Regd. No. M. 1175.

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BANGALORE, THURSDAY, JANUARY 26, 1933.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

Order No. P. 3921—Legis. 48-32-1. ted Bangalore, the 13—16th January 1.

Ordered that the accompanying Regula_ion to amend the Mysore University Regulation, 1916, which received the assent of His Highness the Maharaja, on the sixth day of January 1933, be published as Regulation No. III of 1933, in the *Mysore Gazette* for general information.

R. RANGA RAO,
General Secretary to Government.

REGULATION No. III OF 1933.

(Received the assent of His Highness the Maharaja on the sixth day of January 1933.)

A Regulation to amend the Mysore University Regulation.

Preamble. Whereas it is expedient to amend and consolidate the provisions of the Mysore University Regulation, V of 1916,

as amended from time to time; It is hereby enacted as follows:—

Short Title. 1. This Regulation may be called the Mysore University Regulation, 1933.

Commencement. 2. It shall come into force on the first day of July 1933.

Definitions. 3. In this Regulation, unless there is anything repugnant in the subject or context,—

"Council" means the University Council;

"The Constituent Colleges" means, the Maharaja's College, the Central College, the Engineering College, the Medical College, the Maharani's College for Women and such other Colleges in Mysore or in Bangalore as may be declared by the Government from time to time to be constituent Colleges.

"Registered Graduates" means graduates registered under this Regulation or under Regulation V of 1916, as amended from time to time.

"Statutes and Ordinances" means the Statutes and Ordinances of the University for the time being in force.

"University" means the University of Mysore.

"University Professor" means a Professor in the University appointed as University Professor by the Government.

THE UNIVERSITY.

Incorporation. 4. (1) The persons who have been specified in this behalf by notification of the Government published in the Official Gazette as the Vice-Chancellor and Members of the Senate and of the Council and all persons who may hereafter become or be appointed as Vice-Chancellor and Members of the Senate and of the Council and of the Academic Council as hereinafter constituted so long as they continue to hold such office or membership shall be a body corporate by the name of the University of Mysore.

(2) The University shall have perpetual succession and a common seal and shall sue and be sued by the name first aforesaid.

(3) The University shall be deemed to be incorporated for the purposes, among others, of making provision for imparting education, literary, scientific, and artistic as well as agricultural, technical, commercial and professional, of furthering original research, of promoting the study of literature, science, art, philosophy, history, medicine and other branches of useful knowledge and of imparting physical and moral training.

5. The University shall have power— Power to provide for instruction, to grant degrees, etc.

(*a*) to provide for instruction in such branches of learning as the University may decide and also for research and for the advancement and dissemination of knowledge,

(*b*) to grant and confer degrees and other academic distinctions to and on persons who shall have pursued a prescribed course of study in the University and shall have passed the examinations held by the University,

(*c*) to grant diplomas, certificates or other distinctions to persons who have pursued a course of study under conditions approved by the University,

(*d*) to confer honorary degrees or other distinctions,

(*e*) to withdraw or cancel degrees, diplomas, certificates or other distinctions granted or conferred, and

(*f*) to do all such other acts and things as may be required in order to further the objects of the University as a teaching and examining body.

6. (1) The University shall be able and capable in law to take, purchase and hold any property, moveable or immoveable, which may become vested in it for the purpose of the University by purchase, grant, testamentary disposition or otherwise; and shall be able and capable in law to grant, demise, alien or otherwise dispose of, all or any of the property moveable or immoveable, belonging to the University; and also to do all other acts incidental or appertaining to a body corporate. Power to hold and to dispose of property.

(2) All immoveable property transferred to the University by the Government either prior to the coming into force of this Regulation or subsequent thereto shall be under the direction, management and control of the University, and applied by it as trustee subject to the provisions and for the purposes of this Regulation.

THE CHANCELLOR.

Chancellor.

7. (1) His Highness the Maharaja of Mysore shall be the Chancellor and the highest controlling authority of the University.

(2) The Chancellor may at any time direct an inspection of the University Institutions, including buildings, laboratories and other appurtenances, generally and for the purpose of seeing that the proceedings of the University are in conformity with this Regulation, the Statutes and the Ordinances.

(3) The Chancellor may, by order in writing, annul any proceeding which is not, in his opinion, in conformity with this Regulation, the Statutes or the Ordinances:

Provided that, before making any such order, he may call upon the University to show cause why such an order should not be made, and if any cause is shown within reasonable time, may consider the same.

THE PRO-CHANCELLOR.

Pro-Chancellor.

8. The Chancellor may at any time appoint a Pro-Chancellor to exercise such powers and functions of the Chancellor as may be delegated to him by the Chancellor. The Pro-Chancellor shall, in all public functions connected with the University, take rank and precedence immediately after the Chancellor.

OFFICERS.

Officers of the University.

9. The officers of the University shall include—

(*a*) the Vice-Chancellor,

(*b*) the Registrar, *and*

(*c*) such other officers as may be provided for by the Statutes.

Vice-Chancellor.

10. (1) The Vice-Chancellor shall be appointed by, and shall hold office during the pleasure of, the Chancellor.

(2) The Vice-Chancellor shall take rank in the University next to the Pro-Chancellor and shall be *ex-officio* Chairman of the Senate, of the Council and of the Academic Council and of any committees appointed by the University of which he is a member. He shall be the principal executive Officer of the Senate, of the Council

and of the Academic Council. He shall in the absence of the Chancellor and of the Pro-Chancellor, preside over the Convocation and confer degrees.

(3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Regulation, the Statutes and the Ordinances are observed and carried out and he may exercise all powers necessary for this purpose.

(4) The Vice-Chancellor may, take action in any emergency which in his opinion calls for immediate action. He shall, in such a case, and as soon as may be thereafter, report his action to the authority which would ordinarily have dealt with the matter.

(5) The Vice-Chancellor shall perform such other functions and exercise such other powers as may be defined in the Statutes and in the Ordinances.

Registrar.

11. The Registrar shall be appointed by the Government on the recommendation of the Council. He shall be the custodian of the records and of the common seal of the University on behalf of the Council. He shall act as Secretary to the Senate, to the Council and to the Academic Council and shall perform such other duties as may be prescribed by the Statutes or required, from time to time, by the Council or by the Vice-Chancellor.

AUTHORITIES.

Authorities.

12. The authorities of the University shall include :—

(a) the Senate,
(b) the Council,
(c) the Academic Council,
(d) the Faculties, and
(e) such other authorities as may be provided for in the Statutes.

THE SENATE.

Constitution.

13. (1) The Senate shall consist of—

CLASS I—Ex-officio Members.

(a) The Vice-Chancellor and the other members of the Council mentioned in Section 14.
(b) The Registrar.
(c) The Deans of the Faculties.
(d) The University Professors.

CLASS II—Elected Members.

(*e*) Four members elected by the Academic Council from among its members.

(*f*) Six Members elected by registered graduates from among themselves.

(*g*) Four members elected by and from the Legislative Council.

(*h*) Eight members elected by and from the Representative Assembly.

CLASS III—Nominated Members.

(*i*) Other members nominated by the Chancellor so as to make up along with members in classes I and II a total membership not exceeding seventy-five.

CLASS IV—Additional Members.

(*j*) One representative of each of such Municipalities, District Boards and Associations as undertake to contribute a sum of not less than Rs. 2,000 per annum for a period of not less than five years to the University Fund for the general purposes of the University so long as the contributions continue to be paid; and

(*k*) Every person who contributes to the University Fund for the general purposes of the University a sum of not less than ten thousand rupees or transfers property of the like value. Every such person shall be a life member of the Senate.

(2) The election of members of the Senate coming under class II and the appointment of additional members under class IV shall be subject to the approval of the Chancellor.

(3) The Chancellor may, on the representation of the Senate, cancel the appointment of any person as a member of the Senate, and as soon as such order is notified in the official gazette the said person shall cease to be a member of the Senate.

(4) The Senate shall be reconstituted every three years.

(5) Except in such cases as are otherwise provided in the Statutes, a member of the Senate shall hold his seat until the next reconstitution of the Senate or of the body he represents thereon, whichever takes place earlier.

(6) The Senate may institute and confer such degrees and grant such diplomas, licences, certificates and other distinctions under such conditions as may be prescribed by the Statutes and the Ordinances.

(7) The Senate shall subject to the provisions of sections 20 and 21, have power to make, amend or repeal Statutes, either of its own motion or on the motion of the Council and to consider or cancel Ordinances under conditions laid down by the Statutes.

(8) The Senate shall review the annual report and the annual accounts of the University which shall be placed before it by the Council and shall consider the Budget according to the provisions of the Statutes.

(9) The Senate shall have power to co-operate with other Universities and authorities.

(10) The Senate shall discharge such other functions as may be assigned to it by this Regulation and the Statutes.

THE COUNCIL.

Council its Function and powers.

14. (1) The Executive Government of the University including the general superintendence and control over the institutions of the University, shall be vested in the Council; provided that the Government may by rules framed in this behalf from time to time reserve to themselves such powers relating to the appointment, punishment, removal and leave of the officers mentioned in section 26 as they may deem fit.

Constitution.

(2) The Council shall consist of fifteen members and shall include—

(*a*) The Vice-Chancellor,

(*b*) The Director of Public Instruction in Mysore,

(*c*) Three members elected by the Senate from among its members who are not on the staff of the University.

(*d*) Two members elected from and by the Academic Council,

(*e*) Three heads of constituent colleges nominated by the Chancellor,

(*f*) Five other members nominated by the Chancellor of whom not more than one shall be employed on the staff of the University.

(3) The Council shall be reconstituted every three years, after the reconstitution of the Senate; it shall continue to function until it is reconstituted.

(4) The Council shall have power—

(*a*) to propose Statutes for the consideration of the Senate, and

(*b*) to make Ordinances subject to the sanction of the Government provided that Ordinances relating to academic matters shall not be considered by the Council except on the initiative of the Academic Council and that after consideration of academic Ordinances drafted and recommended by the Academic Council, the Council shall have power to assent to, withhold assent from, to reject or to remit for further consideration by the Academic Council, such academic Ordinances but not to modify them.

(5) The Council shall hold, control and administer the property and funds of the University.

(6) The Council shall have the custody and shall direct the use of the common seal of the University.

(7) The Council shall have power to accept donations and transfers of any moveable or immoveable property on behalf of the University.

(8) The Council shall be responsible for the maintenance of discipline in the University.

(9) The Council shall exercise such other powers and perform such other functions as may be prescribed by this Regulation, the Statutes or the Ordinances.

ACADEMIC COUNCIL.

Academic Council.

15. (1) The Academic Council shall be the academic authority in the University and shall, subject to the provisions of this Regulation, the Statutes and the Ordinances, be responsible for maintaining the standard of teaching and examination in the University.

(2) The Academic Council shall consist of—

The Vice-Chancellor,
The Director of Public Instruction in Mysore,
The Registrar,
The Principals of the Constituent Colleges,
University Professors, Professors and such Assistant Professors as are in full charge of subjects,
The Superintendents of Intermediate Colleges,
The University Librarian,
The Deans of Faculties,
Five members elected by and from the Senate,
Five members nominated by the Government.

(3) The Academic Council shall be reconstituted every three years, after the reconstitution of the Senate; it shall continue to function until it is reconstituted.

(4) The Academic Council shall have power to propose Ordinances relating to academic matters for the consideration of the University Council and to make bye-laws regarding courses, examinations and other academic matters assigned to it by this Regulation, the Statutes and the Ordinances.

(5) It shall be a function of the Academic Council to promote research within the University.

THE FACULTIES.

16. (1) The University shall include Faculties of Arts, Science, Engineering and Technology, and Medicine and such other Faculties as may from time to time be constituted by the Statutes. Faculties.

(2) The Faculties shall be constituted every three years from among the members of the Academic Council, each member of which body shall be assigned by it to one or more Faculties. Constitution.

(3) In addition to the members of the Academic Council assigned to the Faculties, the Academic Council shall appoint three teachers to each Faculty: and the Faculty so constituted shall have power to co-opt not more than three persons as members of the Faculty on the ground of their expert knowledge of subjects coming within the purview of the Faculty.

(4) Each Faculty shall act generally in an advisory capacity to the Academic Council in academic matters falling within its purview. Function.

(5) The Faculties shall perform such other functions as may be prescribed by this Regulation, the Statutes and the Ordinances.

(6) Each Faculty shall elect a Dean of that Faculty who shall preside as chairman at meetings of the Faculty and shall perform such other functions and duties as may be prescribed by this Regulation, the Statutes and the Ordinances. Dean.

THE UNIVERSITY INSTITUTIONS.

17. Colleges, Schools and other Institutions for study and research shall be maintained by the University according to the provisions of the Statutes. Institutions.

FINANCE AND CONTROL.

University fund.

18. (1) Subject to rules made by Government in this behalf all grants made by the Government from time to time and all sums paid or endowments made by private persons or local authorities for the purposes of the University, together with all fees received and rents and profits and other income derived from the property and funds vested in the University shall form a fund styled the University Fund which shall be at the disposal of the University to be employed for any of the purposes mentioned in this Regulation or in the Statutes or Ordinances.

(2) The University Fund shall be managed according to rules laid down in that behalf in the Statutes.

Powers of Government.

19. (1) The Government shall have power at any time to order an audit of the accounts of the University by such auditors as it may direct,

(2) If at any time the Government is of opinion that in any matter the affairs of the University are not managed in the furtherance of the objects and purposes of the University or in accordance with this Regulation and the Statutes and the Ordinances framed thereunder, or that special measures are desirable to maintain the standard of university teaching or examination, it may indicate to the Council any matter in regard to which it desires an explanation and call upon that body to offer such explanation as they desire to offer within such time as may be prescribed. If the Council fail to offer any explanation within the time prescribed or offer an explanation which in the opinion of the Government is unsatisfactory, the Government may issue such instructions as appear to it to be necessary and desirable in the circumstances of the case and may exercise such powers as may be necessary for giving effect to those instructions.

THE STATUTES.

Statutes.

20. Subject to the provisions of this Regulation, the Statutes may provide for all or any of the following matters :—

(*a*) the powers and duties of the officers of the University other than the Chancellor and the Pro-Chancellor in so far as these are not defined herein,

(*b*) the constitution, powers and duties of the authorities of the University in so far as these are not defined herein,

(*c*) the procedure to be followed in the matter of the nomination, the election and the continuance in office of members of the University authorities and the filling up of vacancies among members, in so far as these matters are not prescribed herein and all other matters relating to these bodies which it may be necessary or desirable to provide,

(*d*) the degrees, diplomas, licences, certificates and other academic distinctions to be awarded by the University,

(*e*) the withdrawal or cancellation of degrees, diplomas, licences, certificates and other academic distinctions,

(*f*) the maintenance of a register of registered graduates,

(*g*) all such other subjects as are required or authorised by this Regulation to be prescribed by means of Statutes:

Procedure for making Statutes.

21. (1) All proposals by the Senate to make, amend or repeal Statutes shall be submitted to the Government with the opinion of the University Council which shall have been already submitted to the Senate; It shall be open to Government to assent to, or withhold assent from such proposal or to remit them for further consideration.

(2) No new Statute and no amendment or repeal of an existing Statute made by the Senate shall have effect until it is assented to by the Government.

First statutes.

22. The First Statutes shall be those attached as Schedule A to this Regulation.

THE ORDINANCES.

Ordinances.

23. Subject to the provisions of this Regulation and the Statutes, the Ordinances may provide for any or all of the following, among other matters:—

(*a*) the direction of academic matters relating to courses of study and examinations,

(*b*) the discipline to be required of graduates and under-graduates,

(*c*) conditions of admission to the various courses of study,

(*d*) qualifying attendance required in the various courses,

(*e*) membership of the University and the duties and privileges attached thereto,

(*f*) the payment of fees to the University in relation to the enjoyment of privileges therefrom,

(*g*) the number and designations of officers of the University, their powers and duties and the terms for which they shall hold offices in so far as these matters are not provided for in the Regulation and the Statutes,

(*h*) the appointment and the prescription of the duties of Boards of Studies and Boards of Examiners;

(*i*) all such other subjects as are required or authorised by the Regulation and the Statutes to be prescribed by means of Ordinances.

Procedure for making ordinances.

24. The procedure to be followed in making Ordinances and in amending or repealing existing Ordinances shall be according to provisions made in that behalf in the Statutes.

MISCELLANEOUS.

Subsidiary rules.

25. The Senate, the Council, the Academic Council and other bodies that may be constituted under this Regulation, the Statutes and the Ordinances, may make such subsidiary rules, and bye-laws not inconsistent with this Regulation and the Statutes and the Ordinances in force as may be required to regulate the conduct of business entrusted to them severally.

Privileges, etc., of University employees.

26. Notwithstanding anything contained in this Regulation, all Professors, Assistant Professors and other officers and servants now employed in the Colleges and other Institutions of the University and all such as may be employed hereafter for carrying on the work of the University shall, unless a reservation to the contrary is made at the time of their employment, be deemed to be officers holding appointments under the Government and shall in all respects be governed by the rules framed by the Government and in force for the time being in respect of such officers.

Acts during vacancies.

27. No act or proceedings of the Senate, the Council, the Academic Council or other body constituted under this Regulation or the Statutes or the Ordinances shall be deemed to be invalid merely by reason of any vacancy in the body doing or passing it at the time any such act or proceeding is done or passed.

TRANSITIONAL.

Continuation of present ordinances.

28. The Ordinances of the University of Mysore in force at the time of the coming into operation of this

Regulation shall, so far as they may be applicable, remain in force until they are replaced by Statutes and Ordinances to be framed under this Regulation.

29. In case of difficulty arising as to the first constitution or reconstitution of any authority of the University after the commencement of the operation of this Regulation or otherwise in first giving effect to its provisions, the Government may by order do anything which appears to it necessary for the purpose of removing such difficulty.. Removal by Government of difficulties at the commencement of the Regulation.

30. The Regulations mentioned in Schedule B are hereby repealed. Repeal of enactments.

Schedule A.

(SEE SECTION 22.)

First Statutes.

1. (*a*) The Vice-Chancellor shall have power to convene meetings of the Senate, the Council and the Academic Council and, when necessary, of any other University body. Vice-Chancellor; Power to convene meetings.

(*b*) The Vice-Chancellor shall convene a meeting of the Senate on the requisition of any fifteen members.

2. The quorum for meetings of the Several University authorities shall be as follows :—

The Senate	...	..	... 25
The Council	...	...	... 7
The Academic Council		...	... 20
All other bodies	...	...	Half of the strength of such bodies.

3. The Registrar shall conduct the official correspondence of the Senate, the Council and the Academic Council. He shall issue all notices convening meetings of the Senate, the Council, the Academic Council and the Faculties. He shall be empowered to sign agreements on behalf of the Council. He shall manage the property and investments of the University and the University Fund under the directions of the Council. Registrar; Powers and duties.

University Institutions other than constituent colleges.

4. In addition to the Constituent Colleges, the University shall maintain the following teaching institutions namely,

the Intermediate College, Mysore;
the Intermediate College, Bangalore;
the Intermediate College for Women, Bangalore;
the Medical School, Bangalore and such other teaching institutions as the Government in consultation with the University may, from time to time, direct to be maintained.

Degrees.

5. The University may confer the following degrees:—

Bachelor of Arts	....	(B.A.)	
Bachelor of Science	....	(B.Sc.)	
Bachelor of Commerce	....	(B.Com.)	
Bachelor of Engineering	....	(B.E.)	
Bachelor of Medicine and Surgery	....	(M.B.B.S.)	
Bachelor of Teaching	....	(B.T.)	
Master of Arts	....	(M.A.)	
Master of Science	....	(M.Sc.)	
Doctor of Philosophy	....	(Ph.D.)	
Doctor of Letters	....	(D.Litt.)	Honoris Causa.
Doctor of Science	....	(D.Sc.)	
Doctor of Laws	....	(LL.D.)	

Honorary Degrees.

Conferment of Honorary Degrees.

6. Where at a meeting of the Academic Council not less than eight members recommend that an honorary degree be conferred on any person on the ground that he is, in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree and where their recommendation is supported by the Council and accepted by not less than two-thirds of the members present at a meeting of the Senate and is confirmed by the Chancellor, the Senate shall confer the honorary degree on such person: Provided that in case of urgency the Chancellor may act on the recommendation of the Council only.

Cancellation of Degrees, etc.

7. Where evidence is laid before the Council showing that any person on whom a degree, diploma, license, certificate or other distinction has been conferred or granted by the Senate, has been convicted of what in the opinion of the Council is a serious offence involving moral

delinquency and where at a meeting of the Council not less than eight members recommend to the Senate that the degree, diploma, license, certificate or other distinction be cancelled and where the recommendation is accepted by not less than two-thirds of the members present at a meeting of the Senate and is confirmed by the Chancellor, the degree, diploma, license, certificate or other distinction shall be cancelled accordingly.

Accounts of University Fund.

8. The Council shall cause to be maintained proper accounts relating to the University Fund.

Audit of accounts.

9. The Council shall arrange for the conduct of a detailed running audit by the Comptroller to the Government or by such other agency as may be determined by the Council of the accounts of the University including those of the institutions under it. It shall be competent to the University to make a contribution out of its funds towards the charges connected therewith.

Budget.

10. The Council shall have prepared and laid before the Senate at a meeting to be held not later than the month of April in each year accounts of receipts and expenditure of the University for the previous year ending the 30th June together with an estimate of the income and expenditure of the University for the year to commence on the 1st July following.

Senate to consider the Budget.

11. The Senate shall consider and pass resolutions on the budget estimates and shall communicate such resolutions to the Council. The Council shall take such action thereon as it thinks proper.

Budget to be submitted to the Government.

12. The budget estimates, after such consideration by the Senate and review by the Council shall be submitted to the Government; and it shall be competent to the Government to sanction the budget estimates with such modifications if any as they may deem fit.

Ordinances.

13. (i) Ordinances shall be of two kinds—

(*a*) academic
(*b*) administrative.

Procedure relating to making, amending and repealing

(ii) Ordinances dealing with academic matters such as courses of study, examinations and the promotion of research shall be deemed to be academic ordinances.

(iii) Ordinances dealing with administrative matters such as elections, audits, inspections, fees, scholarships, free-studentships and such other matters as may be necessary for carrying on the administration shall be deemed to be administrative ordinances.

(iv) In the event of doubt arising as to the category in which an ordinance or a proposed ordinance should fall, the matter shall be decided in each such case by the ruling of the Vice-Chancellor.

Academic Ordinances.

14. (1) Proposals to make new academic ordinances or to amend or repeal existing academic ordinances shall originate with the Academic Council. Such proposals as may be accepted by the Academic Council shall be forwarded to the Council, which may assent to or withhold assent from such proposals or remit them for further consideration.

(2) The Council may, in case of urgency, dispose of academic matters which cannot wait. The Council shall, in such cases, report its action to the Academic Council at its next meeting. It shall be open to the Academic Council, to cancel such action, but without retrospective effect.

Administrative Ordinances.

15. Proposals to make new administrative ordinances or to amend or repeal existing administrative ordinances shall originate with the Council. The Council may proceed to make and to bring into effect from such date as the Council may appoint any Ordinance, whether originating with the Council or with the Academic Council provided that before any Ordinance is brought into effect it shall be submitted to the Government and it shall be competent to the Government to disallow it or suspend its operation pending consideration by the Senate.

Ordinances to be considered by the Senate.

16. All Ordinances passed by the Council shall be submitted to the Senate at the next meeting of the Senate for consideration provided that a member of the Senate may give notice of a proposition in the nature of an Ordinance, which may be referred by the Senate, with or without discussion, to the Council or to the Academic Council, as the case may be: and the latter shall proceed with the proposition as in the case of a proposal initiated by itself.

Academic Ordinances to be submitted to the Senate.

17. All proposals relating to Ordinances forwarded by the Academic Council to the Council, whether approved by the latter or not, shall be submitted to the Senate at the next regular meeting of the Senate.

Procedure of Senate in regard to Ordinances.

18. The Senate may deal with Ordinances or proposals in respect of Ordinances submitted to it by the Council in any one of the following ways:—

(*a*) the Senate may assent;

(*b*) the Senate may cancel by a two-thirds majority of the members present at the meeting at the time of voting;

(*c*) the Senate may by a two-thirds majority of the members present at the meeting at the time of voting remit for further consideration, with or without suggestion for amendment;

(*d*) in the case of proposals affecting Ordinances emanating from the Academic Council and submitted by the Council in respect of which there is disagreement between the Academic Council and the Council it shall be open to the Senate to assent or not to assent; but not to amend.

Assent of Government to proposals relating to Ordinances necessary.

19. Ordinances which have received the assent of the Senate, or which have not been cancelled or remitted by it for further consideration shall be submitted to the Government who may sanction or reject or remit them for further consideration.

Council duties of.

20. Besides the duties assigned to it by this Regulation, the Council shall exercise the following functions:—

(*a*) award stipends scholarships, medals, prizes and other awards in conformity with the Ordinances and under the prescribed conditions;

(*b*) appoint the teachers of the University and fix their emoluments and conditions of service in accordance with rules made by the Government on this behalf;

(*c*) appoint the following, among other necessary Boards and Committees:—

Boards of Studies, Boards of Examiners, Students Residence Committees, Extension Lectures Committee, Union Committees, University Library Committee and the like;

(*d*) order examinations in conformity with the Ordinances and appoint examiners after considering the recommendations of the Boards of Studies and the Academic Council;

(*e*) declare the results of the examinations and recommend for degrees, honours, diplomas, licences certificates and other marks of distinction;

(*f*) maintain a list of graduates;

Academic Council, duties of.

21. The Academic Council—

(*a*) shall make proposals for the organisation of courses of instruction in the University and shall be

responsible for teaching work in the University and in general for purely academic questions;

(*b*) shall have control and general regulation of the standards of instruction, education and examination;

(*c*) shall make proposals for the conduct of University examinations and shall recommend to the Council the appointment of examiners;

(*d*) shall advise the Council in regard to students' fees for instruction and examination; and in regard to all subjects relating to teaching, examination and academic discipline;

(*e*) shall co-operate with other Universities or with Inter University organizations in such work as is germane to the University.

Registrations of Graduates

22. (1) The Council shall maintain a register in which a graduate of any of the following classes may be entered:—

(*a*) Graduates who have taken the degree of Master of Arts or of Master of Science in the Mysore University;

(*b*) other Mysore University graduates who passed the Bachelor's Degree Examination not less than five years before the date of application; and

(*c*) Mysoreans by birth or domicile who, having passed a degree examination of a University other than the Mysore University before 1919, have since taken the degree.

(2) The fee for registration shall be Rs. 5 for life. and shall be paid along with the application for registration. Graduates who were registered on or before 4th January 1930 shall not be required to make any further payment.

Schedule B.

(SEE SECTION 30.)

Year.		*Number*	*Short title.*	*Extent.*
1916	...	V	The Mysore University Regulation.	The whole
1919	...	II	Regulation to amend the Mysore University Regulation, 1916.	Do
1923	...	XIV	Do	Do
1925	..	I	Do	Do
1927	...	III	Do	Do
1928	...	II	Do	Do

M. N. KRISHNA RAO,
Dewan.

Regd. No. M. 1175.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Fl. 4653—*I. T.* 35-32-3, 19*th*—21*st February* 1933.

RULES UNDER THE BETTING TAX REGULATION.

In exercise of the powers conferred by section 10 of the Betting Tax Regulation, 1932, (hereinafter referred to as the Regulation), the Government of His Highness the Maharaja are pleased to make the following rules:—

Prescribed officer and officer to inspect.

(1) The Deputy Commissioner of the District in which the race meeting takes place shall be the prescribed officer under sections 4, 7 and 8 and the officer empowered under sections 5 (2) and 8 (2) of the Regulation.

Procedure for making over totalisator tax to Government and returns of account.

(2) Within a week after the last day of a race meeting, the stewards concerned shall (i) forward a return to the prescribed officer in Form A setting forth for each race meeting the total amount of the moneys paid by way of stakes or bets into the totalisator (which includes a sweep) and (ii) make over to the prescribed officer the amount of the tax due to Government on such moneys at the rate notified by the Government under section 3 of the Regulation.

List of licensed bookmakers.

(3) The stewards of a race meeting shall, not later than a week before the commencement of a race meeting, forward to the prescribed officer a full list of names of bookmakers licensed or permitted by them to carry on the business or vocation of a bookmaker at the meeting.

(4) Every licensed bookmaker shall maintain true and correct accounts of all sums paid or agreed to be paid by them to backers in satisfaction of winning bets. He shall permit the officer empowered under Rule 1 (b) or other person authorised by him to inspect and take copies of such accounts, and shall if so

desired by such officer produce them for inspection at such time and place as may be fixed by such officer.

Procedure for making over betting tax to Government.

(5) In the case of credit bets, the licensed bookmaker shall be deemed to have collected the betting tax due to the Government at the time the bet is won by the backer (*i.e.*, at the conclusion of the particular race) and shall be accountable for the same to the Government.

(6) Within a week after the last day of a race meeting, every bookmaker licensed to carry on business at the meeting shall (i) forward to the prescribed officer through the Secretary or other authorised officer of the Racing Club a return in Form B setting forth the total amount of the moneys paid or agreed to be paid by him in satisfaction of winning bets, and (ii) make over to the prescribed officer the amount of the betting tax due to Government on such moneys at the rate notified by the Government under section 6 of the Regulation. The Secretary or other authorised officer of the Racing Club shall forward such returns to the prescribed officer without delay.

(7) Payment of the taxes due to Government into the local Government Treasury shall be deemed to be payment to the prescribed officer.

(8) The officer prescribed or empowered under Rule 1 above or any other officer authorised by him in writing may enter the race-course and the premises where betting takes place during the meetings with a view to see whether the provisions of the Regulation or of these rules are being complied with, and the stewards of the race meeting shall permit him to do so and render him all assistance.

(9) The stewards of a race meeting shall not return to a bookmaker licensed for the meeting the security amount deposited by him with the race club except on the certificate of the prescribed officer that the betting tax due to the Government from such bookmaker has been paid.

(10) These rules shall take effect from 1st March 1938.

By Order,
S. ABDUL WAJID.
Secretary to Government,
Development Department.

FORM A.

....Race Meeting.....day, dated.....193.

Number of tickets sold at totalisators and class		Price of totalisator tickets sold including tax	Gross receipts	Percentage rate of tax	Total amount of tax collected for each race meeting
Enclosure	Tickets sold				
1st Enclo. Win					
1st " Place					
2nd " Win					
2nd " Place					
		Rupees			

Rupees.....

FORM B.

Tax due by.....on the bets made with..... .....for race meetings held during the month of... ..... 193 .

Race meeting	Held on date	Total amount of moneys paid or agreed to be paid in satisfaction of winning bets	Percentage of tax	Amount of tax payable for each race meeting
	Total Rs.			

Regd. No. M. 1175.

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The Mysore Gazette

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BANGALORE, THURSDAY, MARCH 23, 1933.

PART IV.

Legislative Measures and Rules thereunder.

ERRATA.

No. L. 6101—Ml., dated 22nd March 1933.

In the rules issued under Notification No. L. 5923—Ml., dated the 13th March 1933, published in Part IV of the *Mysore Gazette*, dated 16th March 1933, the following corrections shall be made :—

1. In line 3 of rule 4, *read* "Class" *for* "Clause."

2. *For* the figure "12" in the last line of sub-rule (2) of Rule 15, *read* "13."

3. *For* the full stop after the word "Deputy Commissioner" in line 12 of Rule 23, *substitute* a comma.

4. *For* the figure "19" in line 3 of Rule 24, *substitute* "23."

By Order,

R. RANGA RAO,

General Secretary to Government.

Regd. No. M. 1175.

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The Mysore Gazette

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BANGALORE, THURSDAY, JUNE 15, 1933.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 6323—Legis. 15-32-27, *dated Bangalore, 5—9th June* 1933.

In exercise of the powers conferred on them under section 11 of the Mysore Motor Vehicles Regulation, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendments to the Mysore Motor Vehicles Rules, 1924, as amended from time to time :—

For Rule 10 of the Mysore Motor Vehicles Rules, 1924, substitute the following :—

"Rule 10 :—

"Whenever a motor vehicle is in a public place, the number assigned thereto by the Registering Authority, preceded by the distinguishing letter or letters denoting that authority, shall be shown in a prominent position both at the front and rear of the motor vehicle. The letters and numbers shall be shown in black on a white ground in the case of a motor vehicle let or plying

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for hire other than a motor bus and in white on a black ground in the case of any other motor vehicle. They shall be in an upright position.

The numbers shall be of the following dimensions :—

Height of each figure 3", uniform thickness ½", each figure occupying a space of 2 inches with ½" between each figure, and a margin of ½" at the top, bottom and sides of the plate :

Provided that in the case of motor cycles, the number may not be less than two inches in height and the front number plate should have duplicate faces and be fixed to the front of the cycle.

No number shall in any way be obscured or rendered or allowed to become not easily discernible at a reasonable distance."

No. P. 6325—Legis. 59-32-3, dated Bangalore, 2nd—9th June 1933.

The following draft amendments which the Government propose to make in exercise of the powers conferred on them under section 11 of the Mysore Motor Vehicles Regulation, 1928, to the Mysore Motor Vehicles Rules issued with Notification No. P. 3015—Legis. 21-22-10, dated 11th December 1924, as amended from time to time are hereby published for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 30th June 1933 and that any suggestions or objections which may be received from any person with respect to the said draft before the date aforesaid will be considered by Government.

Draft Amendment.

The following shall be added as Rule 27. H :—

"A conductor's pass granted in accordance with any rule in force for the time being in any part of the Madras Presidency shall be valid in Mysore until the date of its expiry."

By Order,
H. V. RAMASVAMI,
Secretary to Government,
General Department.

Regd. No. M.—1175.

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The Mysore Gazette

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BANGALORE, THURSDAY, JULY 6, 1933.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 6639—Legis. 65-32-2, dated Bangalore, 27—28th June 1933.

In exercise of the powers conferred under Section 9 of the Cinematograph Regulation, 1923, the Government of His Highness the Maharaja of Mysore are pleased to exempt the following films in the possession of the Mysore Health Department from the operation of the provisions regarding certification as laid down in Section 7 of the said Regulation and the rules thereunder :—

1.	Jinks Caricature	...	About Tuberculosis
2.	How disease is spread	...	Do
3.	How to prevent disease	...	General.
4.	One scar or many	...	Vaccination.
5.	In his father's Footsteps	...	Farm sanitation.
6.	The rate menace	...	Plague.
7.	Malaria (three reels)	...	Malaria and Mosquitoes.
8.	"Fly" as a disease carrier	...	Life history of a fly.
9.	Unhooking the Hookworm	...	Hookworm disease.
10.	The long *vs.* The short haul	...	Mother's milk best for babies.
11.	Social Hygiene for Women	...	Two reels.
12.	Venereal diseases	...	Three reels.
13.	The knowing Gnome	...	Child Hygiene.

By Order,

S. N. APPANNA IYENGAR,

Secretary to Government,
General Department.

Order No. P. 43—Legis. 41-32-5, dated, Bangalore, 3rd—4th July 1933.

Ordered that the accompanying Workmen's Breach of Contract Act (Repealing) Regulation, 1933 which received the assent of His Highness the Maharaja on the 26th day of June 1933, be published as Regulation No. IV of 1933, in the *Mysore Gazette* for general information.

S. N. APPANNA IYENGAR,
Secretary to Government,
General Department.

REGULATION IV OF 1933.

(*Received the assent of His Highness the Maharaja on the 26th daij of June 1933.*)

A Regulation to repeal certain enactments whereby breaches of contract by labourers are made punishable under the Criminal Law.

Whereas it is expedient to repeal certain enactments whereby breaches of contract by labourers are made punishable under the Criminal Law: It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Regulation may be called the Workmen's Breach of Contract Act (Repealing) Regulation, 1933.

(2) It shall come into force on the first day of October 1933.

Repeals.

2. The enactments mentioned in the schedule are hereby repealed to the extent specified in the fourth column thereof.

THE SCHEDULE.

Year	No.	Short title	Extent of repeal
1859	XIII	The Workmen's Breach of Contract Act, 1859.	The whole.
1860	XIV	The Indian Penal Code as in force in Mysore.	Sections 490 and 492.
1923	XI	A Regulation to amend the Workmen's Breach of Contract (Amendment) Act, 1859.	The whole.

M. N. KRISHNA RAO,
Dewan.

Order No. P. 44—Legis. 40-32-5, dated, Bangalore, 3rd—4th July 1933.

Ordered that the accompanying Regulation to amend the Mysore Elementary Education Regulation X of 1930 which received the assent of His Highness the Maharaja on the 27th day of June 1933 be published as Regulation V of 1933 in the *Mysore Gazette* for general information.

S. N. APPANNA IYENGAR,
Secretary to Government,
General Department.

REGULATION V OF 1933.

(Received the assent of His Highness the Maharaja on the 27th day of June 1933.)

A Regulation to amend the Mysore Elementary Education Regulation X of 1930.

Preamble. Whereas it is expedient to amend the Mysore Elementary Education Regulation X of 1930: It is hereby enacted as follows:—

(1) To section 4 of the Regulation, the following shall be added as an *explanation* thereunder:—

EXPLANATION.

Addition of an explanation to section 4. For the purposes of this Regulation, a District Board shall have jurisdiction throughout the District, except over such areas as are under the jurisdiction of other local authorities which are themselves Local Education Authorities under this Regulation.

2. The following shall be added as sub-section (4) in section 11 of the Regulation.—

Addition of a new sub-section to section 11. "(4) The Education Cess levied under this section shall be collected, subject to such rules as may be prescribed by the Government in this behalf, by the same authority as collects the revenue or tax on which the cess is levied."

Amendment of the first proviso of section 49 (2). 3. In the first proviso to sub-section (2) of section 49 of the Regulation, the words "which is a Local Education Authority" following the words "a Municipal Council" shall be deleted.

M. N. KRISHNA RAO,
Dewan.

(2) When the number of eligible candidates is more than the number of members to be elected, the Returning Officer may assign to each candidate a symbol out of those approved from time to time by the Government in this behalf.

(3) A list of eligible candidates with the symbols, if any, assigned under sub-rule (2) shall be published with the least practicable delay under the signature of the Returning Officer in the municipal office.

Conduct of elections.

16. When the number of candidates does not exceed the number of vacancies, the candidate or candidates may be declared elected by the Returning Officer without any votes being recorded. For purposes of rule 31 of these rules, such candidates shall be considered to have got the highest number of votes.

17. If there are more candidates than there are vacancies, votes shall be taken in accordance with the procedure prescribed in the following rules.

18. The Returning Officer shall fix a polling station for each division and at each polling booth, a separate ballot box properly screened off from others shall be kept so that purdah women may vote separately.

19. The Returning Officer shall appoint one or more polling officers to preside at each polling station with as many assistants as he thinks necessary. The said officer shall also appoint one or more identifying officers at each polling station to assist the polling officer in identifying the voters.

20. (1) On the morning of the election day, the polling officer shall be supplied with a sealed box provided with an aperture for receipt of voting papers, an election roll and a bound book or books of voting papers serially numbered in foil and counterfoil, one voting paper for each voter in the election roll.

(2) The Returning Officer may give such special directions as may be necessary for the provision of ballot boxes, cubicles or screens, and other matters of detail.

21. (1) The voting paper shall be printed in Form B, hereto appended and shall contain the names of all the candidates.

(2) Specimen voting papers shall be posted outside the polling booth for the guidance of voters at least 48 hours before the election commences.

22. If before the poll has commenced, a person whose candidature has been published under sub-rule (3) of rule 15 withdraws his candidature or dies, or if the Returning Officer is satisfied, after affording an opportunity to hear the candidate, that he is disqualified to be a candidate or that the declaration made in his application is not true, the Returning Officer or the polling officer under the Returning Officer's orders may remove the name of such candidate from the voting paper.

23. (1) On the day of the election, the polling officer shall admit to the ante-room of the polling booth the candidates whose names are displayed under rule 15 (3).

(2) Besides candidates, only voters, and such persons (if any) as may be admissible under special directions given by the Returning Officer in this behalf, shall be admitted to the polling booth.

24. The candidates shall not speak to or address any intending voter in the ante-room, but may only address to the polling officer objections to a voter on the following three grounds :—

First.—That his name is not on the list of voters of the division in respect of which the election is being held.

Second.—That his claim to be a particular voter shown on the list of voters is false.

Third.—That he has already voted.

Any person breaking this rule may be expelled from the ante-room by the polling officer and shall not be re-admitted during the election.

25. The procedure for recording each voter's vote shall be as follows :—

(*i*) The vote shall be given by ballot.

(*ii*) There shall be no voting by proxy.

(*iii*) As each intending voter enters the ante-room, his name and his number in the election roll shall be announced so that all present can hear them.

(*iv*) The polling officer shall dispose of any objections raised by candidates and, when satisfied that the intending voter is entitled to vote and has not yet voted, shall initial the foil of a voting paper and, after taking the voter's signature or mark on the counterfoil, and endorsing the paper across the junction of the foil and counterfoil with a seal, give the foil to the voter and admit him to the polling room.

(*v*) The voter, after making a cross in column 4 of the voting paper against the names of any candidates for whom he wishes to vote, and after folding and closing the voting paper, put it into the ballot box.

(*vi*) On the request of a voter who through blindness or illiteracy or any other cause is incapable of recording his vote for himself, the polling officer shall assist him, if so desired, in marking the vote on the voting paper and putting the voting paper into the ballot box and a record of the same shall be made on the voting paper and attested by the polling officer.

26. It shall be the duty of the polling officers and their assistants to see that votes are recorded with absolute secrecy, that only such persons as may be admitted to the polling booth under these rules are admitted thereto, and that persons who have recorded their votes or against whom objections have been heard and disposed of, leave immediately. It shall also be their duty to see that these rules and any special directions given by the Returning Officer thereunder are strictly observed in all respects.

27. On the conclusion of the poll, the polling officer shall seal up the aperture of the sealed box and forthwith deliver the box for safe custody to the Returning Officer or someone appointed by the said officer to take charge of it till the votes are counted. The polling officer shall seal up the book of counterfoils and unused foils and keep it sealed in his own custody till it is destroyed under rule 34.

Determination of results of elections.

28. The ballot box shall be opened and the votes counted at a special general meeting of the municipal

council by three scrutineers appointed for this purpose at the meeting.

29. Any ballot paper on which votes are given to more candidates than there are councillors to be elected shall be invalid.

30. If there is an equal number of valid votes in favour of each of two or more candidates for one vacancy, the selection of one such candidate shall be made by lot by the chairman of the aforesaid meeting, in such manner as the municipal council at such meeting shall determine.

31. Whenever one and the same person gets the highest number of votes in more than one division he will be at liberty to determine for which division he should be returned and in default of his doing so within 48 hours after the declaration of the results of elections, the Government shall declare him to have been elected for one such division. In such cases, the candidates who have got the next highest number of votes in the several remaining divisions will be taken to have been elected for those divisions. In the event of there being no such candidate in any such division, a fresh election shall be held for the same.

32. The results of the elections shall be declared by the chairman of the meeting and shall be recorded in the minutes of the proceedings of the meeting.

Custody and destruction of voting papers.

33. When the voting papers have been scrutinised, they shall forthwith be replaced in the ballot boxes from which they were taken and these boxes after being locked and sealed with the municipal seal, shall be kept by the municipal council in safe custody.

34. On the expiry of fifteen days from the date of the declaration of the results of the elections, or if any application regarding the elections is made to the District Judge under section 20 of the Regulation and such application is not finally disposed of before the expiry of the said fifteen days, then whenever such application has been finally disposed of, the voting papers including both those in the ballot box and those in the sealed book in the polling officer's custody shall be destroyed in the presence of such councillor or officer as the municipal council appoints for this purpose.

Report of results of elections.

35. The names of persons declared to have been elected under rules 16 and 32 shall be communicated with the least practicable delay to the Government for being notified in the *Mysore Gazette*.

R. RANGA RAO,
Chief Secretary to Government.

FORM A.

(REFERRED TO IN RULE 13.)

Form of application for candidature.

Name of the division for which the candidate intends to stand for election.	
Name of candidate	
Father's name	
Age	
Address	
Number of the candidate in the election roll.	

Date..... Signature of candidate.

Declaration by the candidate.

I hereby declare that the information furnished above is true and that I possess all the qualifications necessary for election to the municipal council and that I am not subject to any of the disqualifications specified in the Mysore City Municipalities Regulation, 1933, or the rules framed thereunder to be a candidate.

Date..... Signature of candidate.

FORM B.

(REFERRED TO IN RULE 21.)

Counterfoil.

Voting Paper No.

Voter's number on Election Roll

Voter's signature or thumb impression.

Foil.

Voting Paper No.

Serial No.	Candidate's name	Candidate's symbol	Voter's mark
1			
2			
3			
4			
5			
6			
7			
8			

(1) The number of members to be elected is.....

(2) Place a cross mark thus × against the candidate / each of the candidates for whom you wish to vote.

(3) The mark should be placed against name. / not more than.....names.

APPENDIX.

(REFERRED TO IN RULE 14.)

No. *Dated*..... *193* .

To

The Officer in charge of the Treasury

at.....

SIR,

I have the honour to apprise you that I have authorised the Returning Officer of .... municipality to treat the sum of one hundred rupees deposited by me in the Savings Bank at your treasury as security to the municipality, on behalf of myself / A. B. I agree that the same will not be payable to me until I shall produce to you the express written sanction of the Returning Officer of..... ....municipality for payment of the same. I have also agreed not to object to the payment by you of the whole or part of this deposit to the Returning Officer of..... .. ..municipality, upon his claiming it, and not to make any claim for interest from the date on which interest has ceased to accrue owing to the payment of the principal to the Returning Officer of..... ....municipality or from the date on which the Returning Officer of..... .....municipality, shall have revoked the authority to your treasury to pay me / A. B. the interest.

I have the honour to be,
Sir,
Your most obedient servant,

Place..... (Signature of Depositor).....

Date..... (Designation of Depositor)..... ....

No. L. 2037—Ml. 124-33-2, dated Bangalore, 15th September 1933.

The Government of His Highness the Maharaja are pleased to extend the provisions of sub-section (2) of section 150 and the whole of section 151 of the Mysore Town Municipalities Regulation, 1933, to the Davangere Town Municipality.

2. The provisions referred to above shall come into operation after the expiry of six months from the date of publication of this notification in the *Mysore Gazette*.

By Order,

H. V. RAMASVAMI,
Secretary to Government,
General Department.

Printed by the Superintendent, Government Press, Bangalore.

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gd. No. M.—1175

The Mysore Gazette

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PART IV.

Legislative Measures and Rules thereunder.

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NOTIFICATION.

Order No. P. 258—Legis. 47-32-3, dated Bangalore, the 13—14th July 1933.

Ordered that the accompanying Mysore Co-operative Societies (Amended) Regulation which received the assent of His Highness the Maharaja, on the 27th day of June 1933, be published as Regulation No. VI of 1933, in the *Mysore Gazette* for general information.

S. N. APPANNA IYENGAR,
Secretary to Government,
General Department.

REGULATION VI OF 1933.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 27TH DAY OF JUNE 1933.)

A Regulation further to amend the Mysore Co-operative Societies Regulation VII of 1918.

Whereas it is expedient further to amend the Mysore Co-operative Societies Regulation VII of 1918, as amended by Regulation V of 1929; it is hereby enacted as follows:—

This Regulation may be called the Mysore Co-operative Societies (Amendment) Regulation, 1933.

1. In section 2 of the Mysore Co-operative Societies Regulation, 1918 (hereinafter referred to as the said Regulation), insert the following as definition (*d*) and re-number definitions (*d*), (*e*), (*f*) and (*g*) as (*e*), (*f*), (*g*) and (*h*) respectively:— Amendment of section 2.

(*d*) "financing bank" means a registered society, the main object of which is to lend money to registered societies and includes a registered society which had among its objects the lending of money to registered societies;

2. In section 9 of the said Regulation, insert the following as sub-section (2), numbering the present section 9 as sub-section (1) :—

"(2) If the Registrar refuses to register a society, an appeal shall lie to the Government within two months from the date of the communication by the Registrar of his refusal to register the society."

3. In section 11 of the said Regulation, add the following as sub-section (4):—

"(4) When the Registrar refuses approval to the making, alteration or abrogation of any bye-laws, an appeal shall lie to the Government within one month from the date of the communication by the Registrar of his refusal."

Substitution of a new section for section 13.

4. Substitute the following for section 13 of the said Regulation.:—

"(1) No member of any registered society shall have more than one vote in the affairs of the society provided that in the case of an equality of votes the Chairman shall have a casting vote.

"(2) No vote shall be given by proxy.

"(3) A registered society which has invested any part of its funds in the shares of another society may appoint any of its members not disqualified for appointment under any rules prescribed in that behalf to vote in the affairs of such other society."

Amendment of section 17.

5. Delete the words 'inspection and enquiry' from the marginal heading of section 17 of the said Regulation.

After the words 'if any' in line 2 of sub-section (2) insert the following :—

"the verification of cash balance and securities."

Substitute the following for sub-section (3) :—

"(3) The Registrar or the person authorised by him under sub-section (1) shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may summon any person in possession or responsible for the custody of any such books, accounts, documents, securities, cash or other properties to produce the same at any place at the headquarters of the society or any branch thereof.

"(4) Every officer or member of the society shall furnish such information in regard to the transactions and

working of the society as the Registrar or the person authorised by him under sub-section (1) may require."

6. Substitute 'Inquiry and inspection' for the heading 'Inspection of affairs' above section 35 of the said Regulation.

Amendment of section 35.

Delete the words "on the request of the Deputy Commissioner or " in line 2 of sub-section (1) of section 35 of the said Regulation : and in line 5, insert the words 'in accordance with the rules made' between the words 'by order in writing' and the words "in this behalf."

Substitute the following for sub-section (2) of section 35 :—

"(2) The Registrar or the person authorised by him under sub-section (1) shall have the following powers, namely—

"(*a*) He shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may summon any person in possession or responsible for the custody of any such books, accounts, documents, securities, cash or other properties to produce the same at any place at the headquarters of the society or any branch thereof.

"(*b*) He may summon any person who, he has reason to believe, has knowledge of any of the affairs of the society to appear before him at any place at the headquarters of the society or any branch thereof and may examine such person on oath.

"(*c*) (i) He may, notwithstanding any rule or by-law prescribing the period of notice for a general meeting of the society, require the officers of the society to call a general meeting at such time and place at the headquarters of the society or any branch thereof and to determine such matters as may be directed by him. If the officers of the society refuse or fail to call such a meeting, he shall have power to call it himself.

" (ii) Any meeting called under clause (i) shall have all the powers of a general meeting called under the by-laws of the society and its proceedings shall be regulated by such by-laws.

" (iii) When an enquiry is made under this section, the Registrar shall communicate the result of the enquiry to the society concerned and to the financing bank, if any, to which the society is indebted."

Substitution of a new section for section 36.

7. Substitute the following for section 36 of the said Regulation :—

Inspection of books of indebted societies.

"(1) The Registrar may, on the application of a creditor of a registered society, inspect or direct some person authorised by him in this behalf by a general or special order in writing to inspect the books of the society and the Registrar or the person so authorised shall have all the powers conferred by sub-clauses (*a*) and (*b*) of sub-section (2) of section 35, except the power to examine on oath.

"(2) No inspection shall be made or directed under sub-section (1) unless the creditor—

"(*a*) satisfies the Registrar that the debt is a sum then due, and that he has demanded payment thereof and has not received satisfaction within a reasonable time; and

"(b) deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.

(3) When an inspection is made under sub-section (1), the Registrar shall communicate the results of such inspection to the creditor and to the financing bank, if any, to which the society is indebted."

Addition of a new section 36-A.

8. Insert the following as section 36-A in the said Regulation :—

Inspection of books by financing bank.

"36-A. A financing bank shall have the right to inspect the books of any registered society which is indebted to it. The inspection may be made either by an officer of the financing bank, or by a member of its paid staff certified by the Registrar as competent to undertake such inspection. The officer or member so inspecting shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may also call for such information, statements and returns as may be necessary to ascertain the financial condition of the society and the safety of the sums lent to it by the financing bank."

Amendment of section 37.

9. Add the works "and inspection" to the marginal heading of section 37 of the said Regulation.

Insert the words "after giving the parties an opportunity to be heard" after the word 'may' in line 2 of the said section.

10. Introduce the following as section 38-A in the said Regulation.— Addition of a new section 38-A.

"*Supersession of Committee of Society.*"

Supersession of Committee.

"If, in the opinion of the Registrar, the committee of any registered society is not functioning properly, he may, after giving an opportunity to the committee to state its objections, if any, and after considering the objections raised, call upon the members of the society to appoint another committee in such time as may be fixed by him. If the members fail to appoint a committee which, in the opinion of the Registrar, is likely to function satisfactorily and the Registrar is of opinion that, in the circumstances of the case, it is undesirable to order the cancellation of the registration of the society he may, by order in writing, dissolve the committee and appoint a suitable person or persons to manage the affairs of the society for a specified period not exceeding one year. The period specified in such order may, at the discretion of the Registrar, be extended from time to time, provided that such order shall not remain in force for more than two years in the aggregate.

"(2) The person or persons so appointed shall have power, subject to the control of the Registrar, to recover the assets and discharge the liabilities of the society and take such action as may be required in its interests.

"(3) The Registrar may fix the remuneration payable to the person or persons so appointed. The amount of such remuneration and other costs, if any, incurred in the management of the society shall be payable from its funds.

"(4) The person or persons so appointed shall, at the expiry of the period of his or their appointment, arrange for the constitution of a new committee in accordance with the by-laws of the society.

"(5) Before taking action under sub-section (1) in respect of any society, the Registrar shall, if the society is indebted to a financing bank, consult such bank regarding such action and the provision to be made for the management of the affairs of the society.

"(6) Any member of the society may, within one month from the date of an order passed by the Registrar under sub-section (1), appeal from such order to the Government.

"(7) Nothing in this section shall be deemed to affect the powers of the Registrar to cancel the registration of the society under section 39."

Amendment of section 39.

11. In section 39 of the said Regulation add the words "or section 36—A" after the words and figures "under section 36."

Amendment of section 42.

12. Substitute the following for sub-section (1) of section 42 of the said Ragulation :—

Winding up.

"42. (1) Where the Registrar has passed an order under section 39 or section 40 for the winding up of a co-operative society, he may forthwith appoint a competent person to be liquidator and fix his remuneration and such person, notwithstanding anything in section 39 relating to the time when the order for winding up shall take effect, shall have power to take immediate possession of all assets belonging to the society and of all books, records and other documents pertaining to the business thereof and to carry on the business of the society so far as may be necessary for the beneficial winding up of the same."

Insert the words "as soon as the order of winding up takes effect" after the word "shall" in line 2 of sub-section (2).

Delete sub-section (3) and re-number sub-sections (4), (5), and (6) as (3), (4) and (5) respectively.

Addition of new sections 42-A and 42-B.

13. Introduce the following as sections 42-A and 42-B in the said Regulation.

Surcharge and Attachment.

Surcharge.

"42-A. (1) Wherein the course of an audit under section 17 or an enquiry under section 35 or an inspection under section 36 or the winding up of a society, it appears that any person who has taken part in the organization or management of the society or any past or present officer of the society has misappropriated or fraudulently retained any money or other property or been guilty of breach of trust in relation to the society, the Registrar may, of his own motion or on the application of the committee or liquidator or of any creditor or contributory, examine into the conduct of such person or officer and make an order requiring him to repay or restore the money or property or any part thereof with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in respect of the

misappropriation, fraudulent retainer or breach of trust as the Registrar thinks just.

"(2) The order of the Registrar under sub-section (1) shall be final unless it is set aside by the District Court having jurisdiction over the area in which the headquarters of the society are situated on application made by the party aggrieved within three months of the date of receipt of the order by him.

"(3) Any sum ordered under this section to be repaid to a society or recovered as a contribution to its assets may be recovered on a requisition being made in this behalf to the Deputy Commissioner by the Registrar in the same manner as arrears of land revenue.

"(4) This section shall apply notwithstanding such person or officer may have incurred criminal liability by his act."

Attachment of property.

"42-B. Where the Registrar is satisfied on the affidavit of the liquidator or otherwise that any person with intent to defeat or delay the execution of any order that may be passed against him under clause (*b*) of sub-section (2) of section 42 or under section 42-A,—

(*a*) is about to dispose of the whole or any part of his property, or

(*b*) is about to remove the whole or any part of his property from the jurisdiction of the Registrar,

The Registrar may, unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof as he thinks necessary and such attachment shall have the same effect as if it had been made by a competent civil court:

Provided, however, that if during the continuance of conditional attachment the party furnishes adequate security, the attachment so placed shall be withdrawn."

Addition of a new section 43-A.

14. Introduce the following as section 43-A in the said Regulation :—

"*Decision of disputes.*"

Disputes.

"43-A. (1) If any dispute touching the business of a registered society (other than a dispute regarding disciplinary action taken by the society or its committee against a paid servant of the society) arises—

(*a*) among members, past members and persons claiming through members, past members and deceased members, or

(*b*) between a member, past member or person claiming through a member, past member, or deceased member, and the society, its committee or any officer, agent or servant of the society, or

(*c*) between the society or its committee and any officer, agent or servant of the society, or

(*d*) between the society and any other registered society,

such dispute shall be referred to the Registrar for decision.

Explanation.--A claim by a registered society for any debt or demand due to it from a member, past member, or the nominee, heir or legal representative of a deceased member, whether such debt or demand be admitted or not, is a dispute touching the business of the society within the meaning of this sub-section.

"(2) Subject to such rules as may be prescribed, the Registrar may on receipt of such reference—

(*a*) decide the dispute himself, or transfer it for disposal to any person who has been invested by the Government with powers in this behalf, or

(*b*) refer it for disposal to an arbitrator or arbitrators, or

(*c*) refer the parties to the civil court.

"(3) Subject to such rules as may be prescribed, the Registrar may withdraw any reference referred under clause (*b*) of sub-section (2) and deal with it in the manner provided in the said sub-section.

"(4) Where the Registrar is satisfied by affidavit or otherwise that a party to any reference made to him under sub-section (1), with intent to defeat or delay the execution of any decision that may be passed thereon—

(*a*) is about to dispose of the whole or any part of his property, or

(*b*) is about to remove the whole or any part of his property from the jurisdiction of the Registrar,

the Registrar may, unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof as he thinks necessary, and such attachment shall have the same effect as if it had been made by a competent civil court, provided, however, that if during the continuance of the conditional attachment, the party furnishes adequate security the attachment so placed shall be withdrawn.

"(5) Subject to such rules as may be prescribed,

(*a*) any party aggrieved by the award of an arbitrator or arbitrators or by an order of the person referred to in sub-section 2 (*a*), may appeal to the Registrar within one month from the date of such award or order; and

(*b*) any party aggrieved by an order of the Registrar deciding the dispute himself under sub-section 2 (*a*) may appeal to the Government within one month from the date of such order.

"(6) (*a*) Any decision passed by the Registrar or the Government under sub-section (5) shall be final and shall not be called in question in any civil or revenue court.

(*b*) Any decision passed under sub-section (2) by the Registrar or by the person to whom a dispute is transferred or by the arbitrator or arbitrators to whom a dispute is referred shall, save as otherwise provided in sub-section (5), be final and shall not be called in question in any civil or revenue court."

15. Introduce the following as section 43-B in the said Regulation :— Addition of a new section 43-B.

"43-B. Subject to such rules as may be prescribed, the Registrar or any person or arbitrator or arbitrators to whom a dispute is referred or transferred for disposal under section 43 A, or a liquidator appointed under section 42, shall in so far as such powers are necessary for carrying out the purposes of the said sections, have power to summon and enforce the attendance of witnesses and to compel the production of documents by the same means, and so far as may be, in the same manner as is provided in the case of a civil court under the Code of Civil Procedure, 1911" Summoning of witnesses.

16. Introduce the following as section 43-C in the said Regulation :— Addition of a new section 43-C.

"43-C. (1) Every order passed by a liquidator under section 42 or by the Registrar or his nominee or arbitrators on disputes referred to him or them under section 43-A shall, if not carried out, be executed— Money how recovered.

(*a*) on a certificate signed by the Registrar or a liquidator, by any civil court in the same manner as a decree of such court, or

(*b*) according to the law and under the rules for the time being in force for the recovery of arrears of land revenue, provided that any application for the recovery in such manner of any such sum shall be made to the Deputy

Such sanction shall not be given without giving the party concerned an opportunity to be heard."

Addition of a new section 43-H.

18. Introduce the following as section 43-H in the said Regulation :—

Power of Government and Registrar to call for proceedings and to pass orders thereon.

"43-H.—The Government or the Registrar may call for and examine the record of any enquiry or the proceedings of any officer subordinate to them for the purpose of satisfying themselves as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer. If, in any case, it shall appear to the Government or the Registrar that any decision or order or proceedings so called for should be modified, annulled or reversed, the Government or the Registrar, as the case may be, may pass such order thereon as to it or him may seem fit."

Amendment of section 44.

19. (1) After clause (*k*) of sub-section (2) of section 44, add the following new clause as (*kk*) :—

"(*kk*) specify the class of persons to whom the power under section 35 may be delegated."

(2) For clause (*l*) of sub-section (2) of section 44 of the said Regulation, substitute the following :—

"(*l*) provide for—

(*i*) the appointment of an arbitrator or arbitrators to decide disputes ;

(*ii*) the procedure to be followed in proceedings before the Registrar, arbitrator, or arbitrators, including the appointment of a guardian for a party to the dispute who is a minor, or who, by reason of unsoundness of mind or mental infirmity, is incapable of protecting his interests ;

(*iii*) the levy of the expenses incidental to such proceeding ; and

(*iv*) the enforcement of the decisions or awards in such proceedings ;"

Amendment of section 52.

20. Substitute the following for sub-section (1) of section 52 :—

"52. (1) "Co-operative Land Mortgage Bank" or "Bank" means a co-operative society formed primarily for granting loans on the mortgage of agricultural land for the liquidation of prior debts of agriculturists or for the improvement or better cultivation of agricultural land or formed for the purpose of financing such society."

Delete sub-section (2) and re-number sub-section (3) as sub-section (2) of the said section,

Amendment of section 53.

21. Delete clauses (*a*) and (*b*) of section 53.

Delete the words "with the previous sanction of Government" and "the Board of Supervision" in clause (*o*) of the said section.

Amendment of section 54.

22. For the words "one member" in line 5 of section 54 of the said Regulation, substitute "two members."

Delete the words "and one member to the Board of Supervision" in line 6 of the said section.

Amendment of section 55.

23. Delete the words "and of the Board of Supervision" in lines 3 and 4 of section 55 of the said Regulation.

Amendment of section 58.

24. In sub-section (2) of section 58 of the said Regulation, delete the words "for the redemption of subsisting mortgages or for the liquidation of other prior debts" in lines 1 and 2.

In sub-section 3, delete the words "for the improvement or the better cultivation of agricultural land or" in lines 2 and 3 and substitute "any" for "either" in line 4, and

for the figure and brackets "(2)" in line 5, substitute the figure, brackets and letters "(1) (*a*), (*b*) and (*c*)."

Amendment of section 66.

25. Delete clause (*a*) and the words "and the Board of Supervision" in clause (*d*) of section 66 of the said Regulation.

Substitute the following for clause (*c*) of section 66 :—

"The mutual rights and obligations of primary Land Mortgage Banks and Central Land Mortgage Banks."

Re-number clauses (*b*), (*c*) and (*d*) as clauses (*a*), (*b*) and (*c*).

Amendment of section 67.

26. In section 67 of the said Regulation, delete the words "and Local Land Mortgage Societies."

M. N. KRISHNA RAO,
Dewan.

NOTIFICATION.

Order No. P. 295—Legis. 62-31-6, dated Bangalore the 17th July 1933. (*Enclosure Pages 1—164*).

Ordered that the accompanying Mysore City Municipalities Regulation which received the assent of His Highness the Maharaja, on the 28th day of June 1933, be published as Regulation No. VII of 1933, in the *Mysore Gazette* for general information.

S. N. APPANNA IYENGAR,
Secretary to Government, General Department.

REGULATION VII OF 1933.

RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE TWENTY-EIGHTH DAY OF JUNE 1933.

A Regulation to make better provision for the management of Municipal affairs in Cities in Mysore.

WHEREAS it is expedient to make better provision for the management of municipal affairs in city municipalities in Mysore, it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be cited as the Mysore City Municipalities Regulation, 1933. Short title.

(2) It extends to the whole of Mysore. Local extent.

(3) It shall come into force on the first day of August 1933. Commencement.

2. On this Regulation coming into force, the enactments mentioned in schedule A shall be repealed in so far as they relate to city municipalities. Repeal.

Provided that—

(*a*) the said repeal shall not affect the validity or invalidity of anything already done under any of the said enactments ; Saving clause

(*b*) all city municipalities constituted, municipal commissioners appointed, municipal councillors appointed or elected, committees established, limits defined, appointments, rules, orders and by-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into, and suits and other proceedings instituted, under the said enactments or under any enactments thereby repealed, shall, so far as may be and so far as they relate to city municipalities, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Regulation; and

(*c*) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Interpretation section.

3. In this Regulation and in the schedules, unless there be something repugnant in the subject or context—

(1) "Amildar" includes a "Deputy Amildar."

(2) "annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon might reasonably be expected to let from year to year.

(3) "building" shall include any hut, shed, or other enclosure, whether used as a human dwelling or for any other purpose, and shall include also walls, verandahs, fixed platforms, plinths, door-steps and the like.

(4) "councillor" shall mean any person legally a member of a municipal council.

(5) "dangerous disease" shall mean cholera, plague, small-pox, and any endemic, epidemic, or infectious disease by which the life of man is endangered.

(6) "judge" shall mean District Judge, Judge of a court of small causes, Subordinate Judge, or Munsiff.

(7) "land" shall include land which is built upon or covered with water.

(8) "municipal commissioner" shall mean a person appointed under the provisions of section 239 and shall include a person appointed to act as municipal commissioner under sub-section (3) of section 242.

(9) "municipal council" shall mean a city municipal council.

(10) "municipality" shall mean any local area which is at present a city municipality and any local area which may hereafter be constituted or declared as a city

municipality under sections 4 and 5, if such municipality has not ceased to be a city municipality.

(11) "nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property.

(12) "octroi" shall include a terminal tax.

(13) "official year" shall mean the year commencing on the first day of July.

(14) "owner" shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant: Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Regulation required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required.

(15) "prescribed" means prescribed by any rule made by the Government under this Regulation.

(16) "public securities" shall mean—

(*a*) securities of the Government of India,

(*b*) securities of the Government of Mysore,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a law in force in Mysore, or

(*d*) a security expressly authorised by any order which the Government makes in this behalf.

(17) "public street" shall mean any street—

(*a*) over which the public have a right of way, or

(*b*) heretofore levelled, paved, metalled, channelled, sewered or repaired, out of municipal or other public funds, or

(*c*) which under the provisions of section 105 is declared by the municipal council to be, or

under any other provisions of this Regulation, becomes a public street.

(18) "salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of a salary from the Government who is not a full-time servant of the Government.

(19) "street" shall mean any road, footway, square, court, alley or passage accessible whether permanently or temporarily to the public, whether a thoroughfare or not; and shall include every vacant space, notwithstanding that it may be private property, and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any person as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid.

(20) "taluk" includes a sub-taluk.

(21) "tax" shall include any toll, rate, cess, fee or other impcst leviable under this Regulation.

(22) "vehicle" shall include bicycles, tricycles and automotor cars, and every wheeled conveyance which is used or capable of being used on a public street.

(23) "whole number" shall mean when used with reference to the councillors of a municipal council the total number of councillors holding office at the time.

CHAPTER II.

Constitution of Municipal Councils.

(1) *Municipalities.*

Delimitation of city municipalities.

4. (1) Subject to the provisions of sections 6 and 7, the Government may, from time to time, by notification in the Official Gazette, declare any local area to be a city municipality, and may, from time to time, by a like notification, extend, contract or otherwise alter the limits of any such municipality, or declare that any local area shall, from a date to be specified in the notification, cease to be a city municipality.

Limits to be specified in notification.

(2) Every such notification constituting a new city municipality, or altering the limits of an existing city

municipality, shall clearly set forth the local limits of the area to be included in or excluded from such municipality, as the case may be.

Erection and maintenance of boundary marks.

(3) It shall be the duty of the municipal council in every city municipality already existing and of every city municipal council newly constituted under this Regulation, and of every city municipal council whose local limits are altered as aforesaid, to cause, at its own cost, to be erected or set up, if and when so required by the Deputy Commissioner, and thereafter to maintain, at its own cost, substantial boundary marks of such description and in such positions as shall be approved by the Deputy Commissioner, defining the limits or the altered limits of the municipality subject to its authority, as set forth in the notification.

Property and rights of municipal council which has ceased to exist to vest in Government.

(4) When any local area ceases to be a municipality, the municipal council constituted therein shall cease to exist, and the property and rights vested in any such municipal council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipal council had jurisdiction.

Conversion of town municipalities into city municipalities.

5. (1) The Government may, at any time after consulting the municipal council concerned and considering objections, if any, declare by notification in the Official Gazette that any town municipality as defined in the Mysore Town Municipalities Regulation, 1933, which contains a population of not less than twenty-five thousand inhabitants shall, with effect from a date to be specified in the notification, be deemed to be a city municipality constituted under this Regulation and may at any time cancel such declaration.

(2) The provisions of the Mysore Town Municipalities Regulation, 1933, shall not apply to any municipality declared as a city municipality under sub-section (1) with effect from the date specified in the declaration.

(3) Any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made, issued or imposed under the Mysore Town Municipalities Regulation, 1933, in respect of a municipality declared as a city municipality, so far as is not inconsistent with the provisions of this Regulation, and any appointment, notification, order, scheme, rule, by-law or form made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made,

issued or imposed under the provisions of this Regulation or of such other law in respect of the city municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made or issued under this Regulation or such other law.

(4) Before any town municipality is constituted into a city municipality, the procedure prescribed in section 7 shall, as far as may be, be followed.

(5) The property, rights and liabilities of the municipal council of a municipality declared as a city municipality under sub-section (1) shall vest in the municipal council of the municipality with effect from the date specified in the notification.

What local areas may be declared to be city municipalities.

6. (1) Any local area which comprises—

(*a*) a city, town or station or two or more neighbouring cities, towns and stations, with or without any village, suburb, or land adjoining thereto, or

(*b*) a village or suburb or two or more neighbouring villages and suburbs,

may be declared a city municipality :

Provided that, except for exceptional reasons, which shall be clearly set forth in the proclamation under section 7 and in the notification issued under section 4, it shall not be lawful—

(i) to include any city, town, station or suburb in a city municipality with any other city, town, station or suburb from which it is separated by an extent of more than one mile of land unoccupied by houses ; or

(ii) to constitute any city municipality in any area of which the population is less than twenty-five thousand.

Naming of municipalities comprising two or more places.

(2) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.

City municipalities.

7. (1) Not less than two months before the publication of any notification declaring any local area a city municipality, or altering the limits of any such municipality, or declaring that any local area shall cease to be a city municipality, the Government shall cause to be published in the Official Gazette, in English and Kannada, and to be posted up in conspicuous spots in the said local

area in Kannada, a proclamation announcing that it is proposed to constitute such local area a city municipality, or to alter the limits of the municipality in a certain manner, or to declare that such local area shall cease to be a municipality, as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing to the Deputy Commissioner within two months from the date of the said proclamation, and whenever it is proposed to add to or exclude from a municipality any inhabited area, it shall be the duty of the municipal council also to cause a copy of such proclamation to be posted up in conspicuous places in such area.

(2) The Deputy Commissioner shall, with all reasonable despatch, forward every objection so submitted to Government.

(3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are, in its opinion, insufficient or invalid.

(2) *Municipal Councils.*

Constitution and incorporation of city municipal councils.

8. In every municipality, there shall be a municipal council, and every such municipal council shall be a body corporate by the name of "the municipal council of..," and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

Municipal councils to consist of elected and nominated councillors.

9. (1) Except as is hereinafter otherwise provided, every such municipal council shall consist of—

(*a*) elected councillors;

(*b*) nominated councillors, if any, that is to say, such persons as from time to time—

(i) are by name appointed in this behalf, or
(ii) are executing the functions of any office from time to time notified in this behalf,

by the Government.

In specified proportions.

(2) The number of elected councillors shall not be less than four-fifths of the whole number of councillors; and of the number of nominated councillors, the salaried servants of the Government, if any, shall not exceed one-half.

Provided that when a president appointed by the Government under clauses (*c*) and (*d*) of sub-section (2) of section 23 or when a president elected under clause

(*a*) of the same sub-section is not a councillor, the four-fifths of the whole number mentioned in this section shall be exclusive of the president so appointed or elected and the president so appointed or elected shall be an additional councillor.

(3) Notwithstanding anything contained in sub-sections (1) and (2) above, the Government may direct that all the councillors shall be elected.

(4) Any vacancies due to failure to elect the full number of elected councillors which under this section might be elected and any vacancy due to failure to elect a councillor under section 16 or 17 may, notwithstanding anything contained in this Regulation, be filled up by nomination by the Government.

10. The Government shall, from time to time, generally or specially, for each municipal council—

Government may determine the number of councillors; fix proportion of elected and nominated councillors.

(*a*) determine the number of councillors;

(*b*) fix, subject to the provisions of the last preceding section, the proportion of the councillors, if any, who shall be nominated;

(*c*) fix the number of councillors to be elected in the municipality and by the several constituencies, if any; and

(*d*) issue orders for regulating the description, number and extent of constituencies for election of councillors.

Operation of lists.

11. (1) When in accordance with the rules made under clause (*b*) of sub-section (2) of section 228, a list of voters has been prepared or revised, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the municipal election roll. The election roll shall come into force from the date of its publication and shall continue in force for a period of three years or for such less period, if any, as the Government may by order direct in any case, and after the expiration of such period, a new election roll shall be published.

Provided that—

(*a*) in the case of an election held after an election roll has ceased to have force and before the publication of the new election roll, the old election roll shall continue to operate as the election roll;

(*b*) at any time any person whose name is not in the election roll and who claims to have it enrolled may apply to the prescribed authority to enter his name therein and the prescribed authority shall enter in the election roll the name of every such person whose claim is proved to its satisfaction;

(*c*) the prescribed authority shall at any time expunge from the election roll the name of every person proved to its satisfaction to be dead or no longer to possess the qualification of a voter and may likewise correct any clerical error or omission in the election roll after affording the person affected an opportunity of being heard;

(*d*) no change in the election roll shall be made under provisos (*b*) and (*c*) within one month preceding the date fixed for an election.

Right to vote to depend on entry in roll.

(2) At every election of councillors, every person enrolled in the municipal election roll as for the time being in operation under sub-section (1), shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote.

Enrolment in municipal election roll necessary for elected councillor.

(3) A person shall not be qualified to be elected as a councillor unless he is enrolled in the municipal election roll and a person who is already a councillor shall not be qualified to be a candidate at a by-election held before his term of office as councillor expires:

Representative of associations.

Provided that if any company, body corporate or other association of individuals is enrolled in the municipal election roll, any one person who is authorised in writing in this behalf by such association to represent it and who is not subject to any of the disqualifications under this Regulation, shall be deemed to be qualified to be elected a councillor.

(3) *Municipal Councillors.*

General disqualifications for becoming a councillor.

12. (1) (A) No person may be a councillor—

(*a*) (*i*) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or

(*ii*) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(*iii*) who has been dismissed from municipal, district board or Government service, such dismissal having been notified as debarring him from re-employment, or

(*iv*) who was a legal practitioner whose sannad has been withdrawn by the High Court, or

(v) who has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 1933, or under section 14 of the Mysore Minor Municipalities Regulation, 1933, or

(b) who is an undischarged insolvent, or

(c) who is less than twenty-one years of age, or

(d) who is a judge; and

(B) no person,

(a) who is a subordinate officer or servant of a municipal council, or

(b) who, save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council, *or*

(c) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a municipal council,

may be a member of such municipal council.

Provided that—

(a) the disqualification in sub-clause (ii) of clause (A) (a) will cease to operate after the expiry of the period during which a perron is ordered to furnish security;

(b) the disqualification in sub-clauses (i), (iii), (iv) and (v) of clause (A) (a) will cease to operate after the expiry of three years from the date of such sentence, dismissal, withdrawal or removal or earlier by an order of the Government;

(c) a person shall not be deemed to have incurred disqualification under clause (B) (b) by reason of his—

(i) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(ii) having a share or interest in any joint-stock company otherwise than as a managing director or agent or in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by, or on behalf of, the municipal council, or

(iii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipal council may be inserted, or

(iv) holding a debenture or being otherwise interested in any loan raised by or on behalf of the municipal council, or

(*v*) having a share or interest in the occasional sale of any article in which he regularly trades, to the municipal council to a value not exceeding, in any one official year, such amount as the municipal council, with the sanction of Government, may fix in this behalf, or

(*vi*) having a share or interest in the occasional letting out on hire to the municipal council or in the hiring from the municipal council, of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the municipal council with the sanction of the Government may fix in this behalf; or

(*vii*) being a party to any agreement made with the municipal council under the provisions of section 83 or of proviso (*a*) to sub-section (1) of section 187.

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

Disabilities from continuing a councillor.

(2) If any councillor during the term for which he has been elected or appointed—

(*a*) becomes subject to any disqualification specified in sub-section (1), or

(*b*) votes or takes part as a councillor in the discussion of any matter—

(*i*) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in sub-clauses (*i*), (*ii*), (*iii*), (*v*) or (*vii*) of clause (*c*) of the proviso to sub-section (1), whatever may be the value of such share or interest, or

(*ii*) in which he is professionally interested on behalf of a principal or other person, or

(*iii*) in which he is engaged at the time in any proceeding against the municipal council, or

(*c*) by becoming a salaried servant of Government causes the number of nominated councillors who are salaried servants of Government to exceed the proportion prescribed in sub-section (2) of section 9, or

(*d*) not being a salaried servant of the Government, absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or

(*e*) fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor, and his office shall become vacant.

A councillor whose office has become vacant under this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.

Power of Government to decide whether vacancy has occurred.

(3) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.

Resignation.

13. A councillor may resign his membership and a vice-president may resign his office as vice-president by giving notice in writing to that effect to the president and such resignation shall take effect from the date of the notice. The president may resign his membership or his office as president by giving a notice in writing to that effect to the Government. If such resignation is accepted, it shall take effect from the date on which the intimation of such acceptance reaches the office of the president.

Liability to removal from office.

14. The Government, if it thinks fit, on the recommendation of the municipal council may remove any councillor elected or appointed under this Regulation, after giving him an opportunity of being heard and after such enquiry, as it deems necessary, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

Term of office.

15. Councillors nominated or elected at a general election under this Regulation shall, save as provided in the next following section, or unless they become in the meantime disabled or are removed from office under section 14, or section 226, hold office for a term of three years, extensible by order of the Government to a term not exceeding in the aggregate four years if on any occasion the Government shall think fit, for reasons which shall be notified together with the order in the Official Gazette, so to extend the same.

Casual vacancies how to be filled up.

16. Where a vacancy occurs through the non-acceptance of office by a person elected or appointed to be a councillor, or through such person being disqualified for becoming a councillor, or through any election being set aside under the provisions of sub-section (2) of section 20, or through the death, resignation, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person

thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Casual vacancies occurring by increasing the number of councillors.

17. In the event of a vacancy occurring by increasing the number of councillors in any municipal council under clause (*a*) of section 10, such vacancy shall be filled up, as soon as conveniently may be, by the election or appointment as the case may be, of a person thereto who shall hold office till the next general election or for such period as the Government may in this behalf notify in the Official Gazette.

Re-eligibility of councillors

18. A person who has already been elected or appointed a councillor on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Publication of names of councillors and presidents and vice-presidents in the Official Gazette.

19. The names of all councillors finally elected to any municipal council as well as the names of the nominated councillors, if any, appointed thereto, and the names of all elected or appointed presidents and vice-presidents shall be published, as soon as conveniently may be, in the Official Gazette.

(4) *Municipal Elections.*

Determination of validity of elections; enquiry by Judge; Procedure.

20. (1) At any time within ten days after the date of the declaration of the result of an election of a councillor or of a president under clause (*a*) of sub-section (2) of section 23, any candidate who stood for election or any ten persons qualified to vote at that election may apply, together with a deposit of one hundred rupees as security for costs to the District Judge of the district within which the election has been or should have been held for the determination of the validity of the election.

(2) The District Judge or such other judge as may be appointed by the Government in this behalf may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purpose of the said enquiry, the said judge may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a civil court and he may also direct, by whom the whole or any part of the costs of such enquiry shall be paid. If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion if any, of the costs as is in excess of the sum paid at the time

of the presentation of the application, shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The Code of Civil Procedure shall, as far as possible, be followed in such enquiries. An appeal shall lie to the High Court from the order of the judge, provided it is only on a point of law and is preferred within one month from the date of such order exclusive of the time requisite for obtaining a copy of the order. If the judge sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh election.

Declaration in case of corrupt practice by a candidate.

(3) (*a*) The judge, if satisfied that a candidate has, within the meaning of sub-section (4), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

Scrutiny of votes and declaration in other cases

(*b*) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected:

Provided that for the purpose of such computation no vote shall be reckoned as valid if the judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

What is a corrupt practice.

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section,—

(i) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or,

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

Candidate when deemed to have committed corrupt practice.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

EXPLANATION.—A "promise of individual profit" includes a promise for the benefit of the person himself, or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure. Promise of individual profit.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (*b*) of sub-section (2) of section 228 or clause (*a*) of sub-section (2) of section 23 or of an irregularity or informality not corruptly caused, the judge shall not set aside the election. Mere irregularities and informalities not to invalidate election.

EXPLANATION.—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Regulation or rules made thereunder whereby the result of election has been materially affected.

(6) If the judge sets aside an election under clause (*a*) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate for the office of a councillor or president or both in that or any other municipality constituted under this Regulation or the Mysore Town Municipalities Regulation, 1933, or under the Mysore Minor Municipalities Regulation, 1933, for a term of years not exceeding seven and the judge's decision shall be conclusive: Disqualification of candidate for corrupt practice.

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made. Provided further, that such person may, by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such disqualification.

21. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation. Bar of suits relating to elections, etc.

(5) *Municipal Government.*

22. (1) Except as in this Regulation otherwise expressly provided, the municipal government of a municipality vests in the municipal council. Municipal Government to vest in the municipal council.

(2) In a municipality for which there is a municipal commissioner, the executive power for the purpose of carrying out the provisions of this Regulation vests in the municipal commissioner, subject, wherever it is in this Regulation expressly so directed, to the approval or sanction of the municipal council and subject also to all other restrictions, limitations and conditions imposed by this Regulation.

(6) *Presidents and Vice-Presidents.*

Every municipal council to have a president and if the municipal council so desires, a vice-president.

23. (1) For every municipal council, there shall be a president, and if and whenever the municipal council so desires, a vice-president.

President to be appointed or elected.

(2) The president may be—

(*a*) if the Government so directs, elected by persons entitled to vote under sub-section (2) of section 11 subject to the rules prescribed in this behalf, or

(*b*) if the Government so directs, elected by the councillors from among their number in accordance with the rules prescribed in this behalf, or

(*c*) appointed by the Government by name, or

(*d*) appointed by the Government *ex-officio* that is, to say, as executing the functions of any office which, the Government from time to time, notifies in this behalf.

Effect of notification of *ex-officio* president.

(3) When an office has been notified under clause (*d*) of sub-section (2), the person from time to time executing the functions of that office shall continue to be president, unless and until such notification is altered or rescinded by the Government.

Vice-president to be elected.

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

Salaried servants of Government ineligible for election.

(5) No salaried servant of the Government shall be eligible for election as president or as vice-president of any municipal council, and the election of any such servant in contravention of the provisions of this sub-section shall be void. If any municipal council fails to elect a president or vice-president within such reasonable time as may be specified in a notice issued by the Government in this behalf, the president or vice-president, as the case may be, may be appointed by the Government.

(6) During a vacancy in the office of the president of a municipal council and when there is no vice-president to take his place, the Deputy Commissioner or the person performing the duties of the Deputy Commissioner for the time being, shall notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder, perform the functions of the president. When Deputy Commissioner may perform functions of president.

(7) Except in the case of a salaried servant of the Government who is either an appointed or *ex-officio* president, every president who, for a period exceeding two months and every vice-president who for a period exceeding one month, shall absent himself from the municipality in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president unless leave so to absent himself has been granted— Consequence of absence of president or vice-president without leave.

(*a*) by the Government in the case of a president appointed by the Government,

(*b*) by the municipal council in other cases.

(8) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a president and there is no vice-president for the council or the office of the vice-president is vacant, the vacancy shall be filled up by election by the council from among the councillors whether the president was elected under clause (*a*) *or* (*b*) of sub-section (2), within such period and in such manner as may be prescribed. If the council fails to elect the president or if the appointment of the president was under clause (*c*) of sub-section (2), the Government may fill up the vacancy. When leave is granted to a vice-president or when the vice-president is acting for the president, the vacancy in the office of the vice-president may be filled up by election of some other councillor thereto. Limit of grant of leave and arrangements during leave.

(9) If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president. Vacation of office by vice-president on becoming president.

(10) Every president, other than a salaried servant of the Government appointed *ex-officio* or by name as president and every vice-president of a municipal council shall forth with be deemed to have vacated his office ; Vacation of office by president and vice-president for want of confidence.

(*a*) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose ; or

(*b*) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than one month and not more than four months from each other.

Removal of presidents and vice-presidents.

(11) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts.

EXPLANATION.—A person may be presumed to be unable to pay his debts if he is under arrest or imprisonment in execution of the decree of any court for the payment of money.

Term of office of president and vice-president.

(12) The term of office of every president and of every vice-president shall, save as otherwise provided in this Regulation, cease on the expiry of his term of office as councillor :

Provided that in the case of elected presidents or vice-presidents or both the Government may, in special cases, with the consent of the municipal council concerned, direct that their term be limited to one year and that elections therefor be held every year.

Vacancies in their office how to be filled up.

(13) In the event of the non-acceptance of office, death, resignation or removal from office of a president or vice-president other than an *ex-officio* president or of his election or appointment being void, or of his becoming incapable of acting in such office or having ceased to be a councillor under sub-section (2) of section 12, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up by appointment or election, as the case may be, in accordance with the provisions of the foregoing sub-sections. For all the vacancies which are not otherwise provided for, the Government may appoint any person to perform all the duties and exercise all the powers of a president or vice-president during such vacancy.

Remuneration of president and vice-president of municipal council.

(14) The president or vice-president of any municipal council who is not a Government officer may receive out of the municipal fund such monthly allowances as such municipal council may sanction from time to time with the approval of the Government. It shall be lawful for any municipal council to pay out of the municipal

fund with the sanction of the Government salary or allowances to any Government officer who is appointed as president.

Functions of presidents.

24. (1) Subject to the provisions of chapters XIII and XIV, it shall be the duty of the president of a municipal council to—

(*a*) preside, unless prevented by reasonable cause, at all meetings of the municipal council, and, subject to the provisions of the rules for the time being in force under clause (*a*) of section 49, to regulate the conduct of business at such meetings;

(*b*) watch over the financial and executive administration of the municipal council;

(*c*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under and in accordance with this Regulation;

(*d*) subject to the provision of section 38 and of the rules for the time being in force, perform such other executive functions as may be performed by or on behalf of the municipal council over which he presides;

(*e*) exercise supervision and control over the acts and proceedings of all officers and servants of the municipal council in matters of executive administration and in matters concerning the accounts and records of the municipal council; and, subject to the rules for the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(*f*) furnish to the Government a copy of every resolution passed at any meeting of the municipal council; and

(*g*) furnish any extract from the minutes of the proceedings of the municipal council or of any committee or other document or thing which the Deputy Commissioner or the officer authorised by the Government in this behalf from time to time calls for under section 216.

(2) In a municipality for which there is neither a chief officer, nor a municipal commissioner, the president shall, notwithstanding anything contained in chapters XIII and XIV and independently of such executive functions as are allotted to him by or delegated to him under any other provision of this Regulation, exercise all the powers that may be exercised by a municipal commissioner in the municipality and the provisions of section 247 shall be applicable to every disobedience or failure to comply with a lawful direction given by the president in

exercise of such powers as if he were the municipal commissioner for the municipality.

Channel of communication with Government.

(3) All correspondence between a municipal council and the Government shall be conducted through the president. The president shall without delay transmit all communications addressed through him by the municipal commissioner to the Government or by the Government to the municipal commissioner.

Custody of records.

25. In a municipality for which there is a municipal commissioner, the municipal commissioner, and in every other municipality the president, shall be responsible for the custody of all records of the municipal council including all papers and documents connected with the proceedings of the council, the managing committee and other committees and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose.

Functions of vice-presidents.

26. (1) It shall be the duty of the vice-president of a municipal council to exercise such of the powers and perform such of the duties of the president as the president from time to time deputes to him in accordance with the general or special orders of the Government issued in this behalf.

(2) It shall be the duty of the vice-president—

(*a*) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the municipal council, and he shall, when so presiding exercise the same authority as is vested in the president under clause (*a*) of sub-section (1) of section 24 ; and

(*b*) pending the succession, appointment, or election of a president, or during the absence of a president on leave, to exercise the powers and perform the duties of the president.

(3) When the Deputy Commissioner has been appointed *ex-officio* president of a municipal council, notwithstanding anything contained in section 9 of the Mysore Land Revenue Code, the vice-president shall exercise the powers and perform the duties of the president during the period when the office of the president is vacant.

CHAPTER III.

Conduct of Business.

(1) *Municipal Meetings.*

27. The following provisions shall be observed with respect to the meetings of a municipal council:— Provisions in regard to meetings of a municipal council.

(1) There shall be held an ordinary general meeting in each month for the disposal of general business. It shall be the duty of the president to fix the dates for all ordinary general meetings. Ordinary general meetings.

(2) The president may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the whole number of councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this sub-section, the vice-president or one-third of the whole number of councillors may call such meeting for a day not more than thirty days after the presentation of such request. Special general meetings.

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice or in cases of great urgency, notice of such shorter period as is reasonable of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the councillors, and posted up at the municipal office or some other public building in the municipality. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten days previous to the meeting, of his intention to bring forward thereat, and, in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting: Notice to be given of meetings.

Provided that the motion or proposition of which a councillor or councillors shall have given notice shall relate to matters connected with the municipal administration and shall not be inconsistent with the provisions of this Regulation.

(4) Every meeting of a municipal council shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as a municipal office by such municipal council. Municipal meetings to be held at municipal office.

Meeting how presided over in the absence of the president and vice-president.

(5) Every meeting shall in the absence of both the president and vice-president, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (*a*) of sub-section (1) of section 24.

Meeting must ordinarily be open to the public.

(6) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the municipal council such as should be held in private, provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

Number of councillors required to form a quorum.

(7) If less than one-third of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall, after waiting for not less than fifteen and not more than thirty minutes, adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting, provided that not less than one-fifth of the whole number of councillors or five councillors whichever is greater be present. Any subject not disposed of at such an adjourned meeting shall be deemed to have lapsed and may be brought before the next ordinary general meeting, or if necessary or expedient, at a special general meeting.

Business to be transacted at meetings, and order of business how to be settled.

(8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting, or, in the case of a special general meeting in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business, or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

Minutes of proceedings to be kept.

(9) There shall be kept in English, and if the municipal council so resolves in Kannada also, minutes of the names

of the councillors and of the Government officers, if any, present under the provisions of sub-section (16), and of the proceedings at each general meeting, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any inhabitant of the municipality.

All questions must be decided by a majority of votes.

(10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (*a*) of section 49.

Councillor not to vote on questions in which he has pecuniary interest.

(11) No councillor shall vote on, or take part in the discussion of any question coming up for consideration at a meeting of the council if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest.

Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.

(12) If the presiding authority is believed by any councillor present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on or take part in it. Any other councillor may be chosen or elected to preside at the meeting during the continuance of such discussion.

Adjournments of meetings.

(13) Any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any other day; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

A notice of such adjournment posted in the municipal office shall be deemed sufficient notice of the adjourned meeting.

Modification and cancellation of resolutions.

(14) No resolution of a municipal council shall be modified or cancelled within three months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of councillors at a general meeting whereof notice shall have been given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution.

Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.

(15) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the municipal council by a Government Executive Engineer, shall be transacted at any meeting of a municipal council unless, at least fifteen days previous to such meeting, a letter has been addressed to the said Executive Engineer informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business.

Certain Government officers may attend meetings of municipal councils.

(16) (*a*) The Executive Engineer, the principal officer of health in the district and any other officer approved and notified by the Government in this behalf, if not members of a municipal council within the district, shall have the right of being present at any meeting of such municipal council, and, with the consent of the municipal council, each of them may take part at such meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such municipal council:

Provided that the said officers shall not, unless they are members of the municipal council, be entitled to vote upon any such question.

Municipal council may require the presence of certain of the said officers at their meetings.

(*b*) If it shall appear to a municipal council that the presence of the Executive Engineer or the principal officer of health in the district or any other officer approved and notified by the Government in this behalf, is desirable for the purpose aforesaid at any future meeting of such municipal council, it shall be competent to such municipal council, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence thereat; and the said officer, unless prevented by sickness, or other reasonable cause, shall be bound to attend such meeting:

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a deputy or assistant or other competent subordinate as to his views, and may send him to the meeting as his representative, instead of appearing thereat in person.

EXPLANATION.—The term "Executive Engineer" in sub-sections (15) and (16) of this section includes the principal Engineering officer in or for the district.

28. (1) A municipal commissioner shall have the same right of being present at a meeting of the municipal council or the managing or other committee and of taking part in the discussion thereat as a councillor and with the consent of a majority of the councillors present, ascertained by a show of hands without discussion, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make any proposition at such meeting.

Right of municipal commissioner to be present and to speak at municipal meetings.

(2) The municipal commissioner shall attend any meeting of the municipal council or of the managing or other committee if required to do so by the president.

29. (1) Any councillor may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property or the wants of any locality, and may suggest any improvements which he considers desirable.

Rights and privileges of individual councillors and president.

(2) Every councillor shall have the right to interpellate the president and to move resolutions on matters connected with the municipal administration, subject to such regulations as may be framed by the council.

(3) Every councillor shall have access to the records of the municipal council after giving due notice to the municipal commissioner, when there is one, and in other cases to the president, provided that the municipal commissioner or the president may for reasons given in writing forbid such access. The councillor may appeal from the order of the municipal commissioner to the president whose decision shall be final.

(4) In a municipality for which there is a municipal commissioner, the president shall have full access to all the records of the municipal council and the municipal commissioner shall comply without unreasonable delay with any requisition of the president for any information appertaining to the municipal administration.

(2) *Committees.*

30. (1) For every municipal council there shall be a committee called the managing committee, consisting of the president and such number of councillors not exceeding eight or less than two as may have been elected for a period not exceeding one year, in accordance with rules under clause (*a*) of section 49.

Managing Committee

Powers of managing committees.

(2) The managing committee shall, subject,

(i) to any limitations prescribed by the municipal council specially in this behalf and generally by rules made under clause (*a*) of section 49; and

(ii) to the provisions of chapters XIII and XIV, exercise all the powers of the municipal council:

Provided that no managing committee shall exercise any powers with which any committee appointed under section 31 is vested.

Other committees.

31. The municipal council may constitute in addition to the managing committee constituted under section 30, any other committee for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual councillors or committees, to enquire into and report or advise on any matters which it may refer to them.

When persons other than councillors may serve on committees.

32. Notwithstanding any thing contained in this Regulation, it shall be lawful for the municipal council from time to time, by a resolution supported by not less than one-half of the whole number of councillors, to appoint as members of any committee under section 31, any persons who are not councillors, but who may in the opinion of such municipal council possess special qualifications for serving on such committees, provided that the number of persons so appointed on any committee shall not exceed one-half of the total number of the members of such committee.

Duties, etc., of such persons.

All the provisions of this Regulation relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable so far as may be to such persons.

Casual vacancies. Re-eligibility.

33. A vacancy occurring in a managing committee shall as soon as possible, and a vacancy occurring in any other committee may, be filled up by the election of a member thereto subject to the same provisions as those under which the member whose place is to be filled up was elected. A person elected under this section shall hold office so long only as the person in whose place he is elected would have held it if the vacancy had not occurred. No person shall be ineligible at any time for election as a member of any such committee on the ground that he has previously been a member of that committee.

34. (1) The president, if a member of any committee, shall be *ex-officio* chairman thereof. When chairman to be *ex-officio*.

(2) The vice-president, if appointed a member of any committee of which the president is not a member, shall be *ex-officio* chairman thereof.

(3) The municipal council may appoint a chairman for every committee of which there is no *ex-officio* chairman. When no *ex-officio* chairman, municipal council may appoint chairman.

(4) Every committee, of which there is an *ex-officio* chairman or a chairman appointed by the municipal council, shall at each meeting which such chairman does not attend appoint from its members a chairman for such meeting. When *ex-officio* or appointed chairman does not attend meeting, committee may appoint chairman of meeting.

(5) Every committee, of which there is no *ex-officio* chairman or chairman appointed by the municipal council, shall appoint from time to time its own chairman from among its own members. If there is no chairman, *ex-officio* or appointed by the municipal council.

35. (1) The provisions of sub-sections (4), (9), (10) and (16) of section 27 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a municipal council contained in those provisions, and as if for the words "municipal council" where they occur in the proviso to clause (*a*) of sub-section (16) of section 27, there were substituted the word " committee." Procedure at meetings.

If the chairman of any committee has been absent from the municipality for a period exceeding fifteen days, the president or vice-president may, in his absence, call a meeting thereof:

Provided that notwithstanding anything to the contrary contained in sub-section (9) of section 27, committees may record their proceedings either in English or in Kannada as they may think fit.

(2) Committees may meet and adjourn as they think proper, but the chairman of a committee may, whenever he thinks fit, and shall, upon the written request of the president of the municipal council or of not less than two members of the committee, and for a date not more than two days after the presentation of such request call a special meeting of such committee. Committees shall meet when they think proper

Number of members required to form quorum at committee meetings.

(3) No business shall be transacted at any committee meeting unless more than one-third of the members of the committee be present thereat.

Procedure by circular.

36. (1) Notwithstanding anything contained in the preceding section, the chairman of a committee may, instead of convening a meeting, circulate a written proposition of his own, or of any other member of the committee or of any executive officer of the municipal council, for the observation and votes of the members of the committee.

Propositions when to be sent to Government officers for remarks.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (15) of section 27, shall obtain thereupon the remarks, if any, which any Government officer, not a councillor, whose presence the municipal council would be entitled to require under the provisions of clause (*b*) of sub-section (16) of section 27, desires to record.

Decisions how to be taken on propositions circulated

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition.

and how to be recorded.

(4) Every decision arrived at by the committee under this section shall be recorded in the minute-book.

Subordination of committees to instructions of municipal council, and compliance with requisitions of municipal council.

37. (1) Every committee shall conform to any instructions that may from time to time be given to it by the municipal council; the municipal council may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorised or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.

Orders subject to revision and appeal.

(2) Every order passed by a committee appointed under section 30 or 31 shall be subject to revision by, and open to appeal to, the municipal council in accordance with rules that may be framed by the municipal council in this behalf.

(3) *Delegation of powers to individuals.*

Powers, duties and functions may be delegated to officers whose expenses may be paid.

38. Any powers or duties or executive functions which may be exercised or performed by or on behalf of the municipal council may be delegated, in accordance with rules to be made by the municipal council in this behalf, to the president or to the vice-president, or to the chairman of any committee, or to one or

more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on a chief officer under chapter XIII or on any committee by or under section 30 or 31; and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein:

Provided that in a municipality for which there is a municipal commissioner the powers or duties or executive functions under this Regulation or under any rule or by-law made hereunder conferred or imposed upon or vested in the municipal commissioner shall not be delegated save as provided in section 250.

(4) *Validity of Proceedings.*

Acts and proceedings of municipal council and committees not vitiated by disqualifications, etc., of members thereof.

39. (1) No disqualification of, or defect in the election or appointment of, any person acting as councillor, or as the president or presiding authority of a general meeting or as chariman of a committee appointed under this Regulation, shall be deemed to vitiate any act or proceeding of the municipal council or of any such committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

No resolution of a municipal council or of any committee appointed under this Regulation shall be deemed invalid on account of any irregularity in the service of notice upon any councillor or member, provided that the proceedings of the municipal council or committee were not prejudicially affected by such irregularity.

Proceedings of meetings to be good and valid, until the contrary is proved.

(2) Until the contrary is proved, every meeting of the municipal council or of a committee appointed under this Regulation, in respect of the proceedings whereof a minute has been made and signed in accordance with this Regulation, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

Vacancy not to affect municipal council's proceedings.

(3) During any vacancy in a municipal council or committee, the continuing councillors or members may act as if no vacancy had occurred.

(5) *Joint transactions with other Bodies.*

Joint committees of two or more municipal councils.

40. A municipal council may from time to time join with any other municipal council constituted under this Regulation or under the Mysore Town Municipalities Regulation, 1933, or the Mysore Minor Municipalities Regulation, 1933, or with any district board, or with more than one such municipal council or board,

(i) in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee;

(ii) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies; and

(iii) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the Government or of such officer as it appoints in this behalf, shall be final.

(6) *Contracts.*

Competency of municipal council to lease, sell and contract.

41. (1) Every municipal council shall be competent, subject to the restrictions contained in sub-section (2), to lease, sell or otherwise transfer any movable or immovable property which may, for the purposes of this Regulation, have become vested in or been acquired by it and, so far as is not inconsistent with the provisions and purposes of this Regulation, to enter into and perform all such contracts as it may consider necessary or expedient in order to carry into effect the said provisions and purposes.

Subject in certain cases to sanction of Government.

(2) In the case of every free grant of immovable property whatever may be its value and of every lease for a term exceeding seven years, and of every sale or other transfer of immovable property exceeding two thousand rupees in value the previous sanction of the Government is required.

(3) In the case —

(a) of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase of any immovable property,

(b) of every contract which will involve expenditure not covered by a budget grant,

(c) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

the sanction of the municipal council by a resolution passed at a general meeting is required.

Sanction by resolution at general meeting requisite to validity of certain contracts.

(4) In the case of a contract for the purchase of movable property, or for the sale of any movable property belonging to a municipal council, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the municipal accounts exceeds two thousand rupees, the sanction of the municipal council is required.

Sanction of municipal council when requisite in other cases.

(5) Before any contract for the supply of materials or goods or for the execution of any work which will involve an expenditure exceeding five hundred rupees is entered into, tenders shall be publicly invited in such manner as may, from time to time, be determined by the municipal council from persons willing to enter into such contract and, when the estimated value exceeds fifteen thousand rupees, no such contract shall be entered into without the previous approval of the Government or of an officer duly authorised by the Government in this behalf.

When tenders should be invited.

(6) In the case of every contract not otherwise provided for in the preceding sub-sections of this section, the sanction of such committee, or of such individual as under the provisions of this Regulation or of the rules for the time being in force thereunder, is empowered in this behalf, is required.

Sanction by committees and individuals empowered.

(7) Every contract entered into by or on behalf of a municipal council, other than a contract to which sub-section (6) applies, shall be in writing, and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the municipal council. Every contract to which sub-section (6) applies shall be executed by the chairman of such committee or by such other individual, as is empowered in that behalf, in such manner and form as, according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf.

Mode of executing contracts.

Invalidity of contracts unless requirements of section are fulfilled.

(8) No contract shall be binding on a municipal council unless the requirements of this section shall have been complied with.

(9) The provisions of this section shall be subject to the provisions of section 57 and chapters XIII and XIV.

Contracts by officers appointed by Government to execute municipal works and payment for such works.

42. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

(7) *Compulsory acquisition of land.*

Acquisition of land.

43. When any land, whether within or without the limits of the municipality, is required for the purposes of this Regulation, the Government may, at the request of the municipal council, proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894, and on payment by the municipal council of the compensation awarded under that Regulation and of any other charges incurred by the Government in connection with the acquisition, the land shall vest in the municipal council.

(8) *Liabilities of councillors, officers and servants.*

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

44. (1) Except as herein otherwise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of, the municipal council; the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president, members, and officers for loss, waste or misapplication.

(2) Every councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the municipal council, to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, the municipal commissioner, the chief officer, or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Regulation, shall

be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been caused or facilitated by his misconduct.

Officer or servant of any municipal council not to be interested in any contract with such municipal council.

45. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, a municipal council, or in any employment with, under, by, or on behalf of, a municipal council, other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such municipal council.

Effect of acquiring such interest.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

Saving clause.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, under, by, or on behalf of, a municipal council as, under sub-clauses (*i*), (*ii*) and (*iv*) of clause (*c*) of the proviso to sub-section (1) of section 12, it is permissible for a person to have without his being thereby disqualified for being a councillor.

Penalty for councillor, officer or servant of a municipal council being interested in any contract, etc., with that municipal council.

46. (*a*) Any councillor who knowingly acquires directly or indirectly, any share or interest in any contract or employment with, under, by, or on behalf of, a municipal council of which he is a member, not being a share or interest such as, under section 12, it is permissible for a person to have, without being thereby disqualified for being a councillor, and,

(*b*) any municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract, or except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by, or on behalf of, a municipal council of which he is an officer or servant, not being a share or interest such as under sub-clauses (*i*), (*ii*) and (*iv*) of clause (*c*) of the proviso to sub-section (1) of section 12, it is permissible for a person to have without being thereby disqualified for being a councillor,

shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees.

Notice to sweepers and scavengers before discharge.

47. (1) In the absence of a written contract to the contrary, every sweeper or scavenger employed by the municipal council shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Penalty for withdrawal of sweepers and scavengers without notice.

(2) Should any sweeper or scavenger employed by the municipal council, in the absence of a written contract authorising him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the municipal council, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

Application of sub-sections (1) and (2) to other municipal servants.

(3) The Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers or scavengers shall apply also to any specified class of municipal servants whose functions intimately concern the public health or safety.

Councillors, etc., to be deemed public servants.

48. (1) Every municipal councillor, officer or servant, every auditor appointed under section 207 and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessee, and every auditor shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipal council.

CHAPTER IV.

Rules and By-laws.

Municipal councils to make rules.

49. Every municipal council shall make rules not inconsistent with this Regulation or with the rules made by the Government under section 228 and may from time to time alter or rescind them—

Regulating the conduct of business.

(*a*) regulating the conduct of its business and the delegation of any of its powers or duties and the appointment and constitution of committees;

Fixing the functions of the president and the establishment

(*b*) (*i*) determining the executive functions to be performed by the president, vice-president, the chairman of any committee, the chief officer or the municipal commissioner and the delegation of any of its powers or duties to such persons;

(*ii*) determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees, and absentee or other

allowances of such officers and servants and the powers and duties delegated to them under section 38 ;

(*c*) generally for the guidance of its officers and servants in all matters relating to the municipal administration ; — For general guidance of municipal servants ;

(*d*) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security ; — Fixing the amount of the security to be furnished ;

(*e*) determining the mode and conditions of appointing, punishing or dismissing any officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any officer or servant ; — Determining mode of appointing, etc., municipal servants; delegating power to appoint, etc.

(*f*) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave ; — Granting leave to municipal servants ;

(*g*) authorising the payment of contributions at such rates and subject to such conditions as may be prescribed in such rules, to any pension or provident fund which may be established by the municipal council or with the approval of the municipal council by the said officers and servants ; — Contributing to provident funds.

(*h*) prescribing, subject to the provisions of chapter VII, the taxes to be levied in the municipality for municipal purposes, the circumstances in which exemption will be allowed, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes and the limits of the charges or payments to be fixed in lieu of any tax under section 83, and the fees to be charged for licenses or permissions granted under section 82, and the times at which and the mode in which the same shall be levied or recovered or shall be payable, and prescribing the fees for notices demanding payments due on account of any tax, and for the execution of warrants of distress, and the rates to be charged for maintaining any livestock distrained, and designating the persons authorised to receive payment of any sums so leviable and the manner in which auctions of movable property under section 97 shall be held ; — Prescribing the taxes, etc., to be levied for municipal purposes.

(*i*) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax or on any other account may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted. — For writing off amounts due and remitting fees ;

Provided that—

Approval required to rules.

(i) no rule made or any alteration or rescission of a rule made by a municipal council under this section shall have effect unless and until it has been approved by the Government,

(ii) that no municipal council shall, except with the assent of the Government dispense with the services of any officer transferred from the service of the Government to the service of the municipal council or employed partly by the Government and partly by the municipal council or finally dismiss from the service of the municipal council any officer transferred from the service of the municipal council to the service of the Government.

Power to suspend, reduce or abolish any existing tax.

50. (1) Subject to the requirements of proviso (i) to section 49, every municipal council may, except as otherwise provided in clause (*b*) of the proviso to section 86, at any time for any sufficient reason suspend, modify or abolish any existing tax by suspending, altering or rescinding, any rule prescribing such tax.

(2) The provisions of chapter VII relating to the imposition of taxes shall apply so far as may be to the suspension, modification or abolition of any tax and to the suspension, alteration or rescission of any rule prescribing a tax.

Power to make by-laws.

51. (1) Every municipal council may from time to time, with the previous sanction of the Government make, alter or rescind by-laws, not inconsistent with this Regulation—

For markets and slaughter houses, etc.

(*a*) for the regulation and inspection of markets, all public places used for the sale of articles and slaughter-houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and cleanly conduct of business therein; for regulating the sale of fruit and vegetables in the municipal markets or other specified places; and for fixing the rents and other charges to be levied for the use of any of them which belong to the municipal council;

For licensing, regulating and inspecting certain businesses.

(*b*) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the municipal council—

(i) as a slaughter-house;

(ii) as a market or shop for the sale of animals intended for human food, or of meat, or of fish, or as a market for the sale of fruit or vegetables;

(iii) for any of the purposes mentioned in section 181;

(iv) as a dairy, hotel, restaurant, eating house, coffee-house, sweetmeat-shop, bakery, boarding house, or lodging house (other than a students' hostel under public or recognised control) or for manufacturing ice or aerated waters;

(v) as a place for the preparation or manufacture of oil;

(vi) for parching grain or bengal gram on a large scale; or

(vii) for any other purpose for which the taking out of a license is or may be prescribed;

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effect arising or likely to arise therefrom;

Regulating the stalling of cattle, etc.

(*c*) prohibiting the stalling or herding of horses, camels, cattle, donkeys, sheep or goats, otherwise than in accordance with such regulations prescribed in such by-laws in regard to the number thereof, and the places to be used for the purpose, as may be necessary to prevent danger to the public health;

For regulating dairies and cattle-sheds.

(*d*) (i) for the inspection of milch-cattle; and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers;

Milk-stores, etc.

(ii) for securing the cleanliness of milk stores, milk shops and vessels used by milk-sellers or butteamen for milk or butter;

For inspection of weights and measures

(*e*) for the inspection of instruments for weighing and weights and measures under section 173;

For registration of births, etc.

(*f*) for the registration of births, deaths and marriages, and the taking of a census within the municipality and for enforcing the supply of such information as may be necessary to make such registration or census effective;

Regulating the disposal of the dead.

(*g*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of

the community entitled to the use of such places for the disposal of the dead;

For enforcing information as to epidemics.

(*h*) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 174, 175 and 177;

For enforcing information as to liability to municipal taxation.

(*i*) for enforcing the supply of such information by inhabitants of the municipality as may be necessary to ascertain their respective liabilities to any tax imposed therein;

(*j*) for the numbering and registration of any vehicle liable to taxation under this Regulation;

Octroi by-laws.

(*k*) fixing octroi limits and stations; providing for the exhibition of tables of octroi requiring a license to be obtained for the sale of any article liable to octroi and prescribing the conditions on or subject to which such license may be granted, refused, suspended or withdrawn; regulating, subject to any general or special orders which the Government may make in this behalf, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made;

Terminal Tax

(*l*) fixing terminal tax limits and stations, providing for the exhibition of tables of terminal tax, and regulating the mode of recovery of such tax;

For protecting water.

(*m*) for conserving and preventing injury to sources and means of water-supply and appliances for the distribution of water whether within or without the limits of the municipality; and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of municipal water-works and of pipes and fittings in connection therewith, whether the property of the municipal council or not;

EXPLANATION.—Sources and means of water-supply shall include private wells which are used by the public.

Regulating public baths, etc.

(*n*) regulating the use of public bathing and washing places within municipal limits;

For conservancy.

(*o*) regulating sanitation and conservancy;

(*p*) regulating the conditions for the construction, use and disposal of houses intended for the poor under clause (c) of section 61; — For constructing houses for the poor.

(*q*) regulating the disposal of carcasses of dead animals; — For the disposal of carcasses.

(*r*) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of, temporary structures on public streets or for projections over public streets, and regulating the structure and dimensions of plinths, walls, foundations, floors, roofs and chimneys of new buildings, for the purpose of securing stability and the prevention of fires, and for purposes of health; — Regulating structures and buildings.

(*s*) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufactories, places of public resort or for any other purpose. — For regulating construction or use of buildings.

(*t*) for preventing the erection of buildings without adequate provision being made for the laying out and location of streets; — For providing for streets.

(*u*) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air; — For ensuring ventilation..

(*v*) regulating, in any other particular not specifically provided for in this Regulation, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cess-pools, water-closets, privies, latrines, urinals, and drainage or sewerage works of every description, whether the property of the municipal council or not; — Control of drains.

(*w*) determining the information and plans to be required by the municipal council under sections 107 and 115; — Requiring information and plans in certain cases.

(*x*) prohibiting vehicular traffic in any particular street, so as to prevent danger, obstruction or inconvenience to the public, by fixing up posts at both ends of such street or portion of such street; prohibiting the transit of any vehicles of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians, along or over any street, except — For controlling unwieldy traffic.

under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally in such by-laws, or in special licenses to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such by-laws;

provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the municipal council in conspicuous places at or near both ends of such street or portion of a street;

Public parks. (*y*) securing the protection of public parks, gardens and open spaces, vested in or under the control of the municipal council, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them;

Requiring qualified surveyors and plumbers (*z*) prescribing the qualifications of surveyors or persons by whom plans required under section 115 are to be prepared, or of plumbers; for licensing persons to be surveyors or plumbers, and fixing the fees chargeable for such licenses; and for modifying the provisions of, or revoking such licenses; and prohibiting any alterations or repairs or fittings to water or drainage pipes or house-connections being carried out or made, except by such persons;

For licensing factories, the use of steam whistles, etc. (*aa*) prescribing the conditions on or subject to which and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the establishment in any premises, of any factory as defined in the Mysore Factories Regulation, 1914, or for the use of whistles and trumpets, operated by steam, mechanical means or electricity in factories or other places for the purposes of summoning or dismissing workmen or persons employed;

General (*ab*) generally for the regulation of all matters relating to municipal administration.

Fine may be imposed for infringement of by-laws. And every municipal council may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such by-law.

(2) Every municipal council shall, before making any by-law under this section, publish in such manner as shall in its opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making the by-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Publication of drafts of proposed by-laws.

(3) When any by-law made by a municipal council is submitted to the Government for sanction, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said by-law.

Objections and suggestions to be submitted to Government.

52. The rules and by-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times, and printed copies thereof and of this Regulation in English as well as in Kannada shall be kept on sale at cost price.

Rules and by-laws to be printed and sold.

CHAPTER V.

MUNICIPAL PROPERTY AND FUND.

53. (1) Every municipal council may acquire and hold property both movable and immovable, whether within or without the limits of the municipality.

Power to acquire and hold property.

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the Government, shall be vested in and belong to the municipal council and shall, together with all other property of what nature or kind soever, not being specially reserved by the Government, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Regulation; that is to say—

Property vested in the municipal council.

(*a*) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots;

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works, and all bridges, buildings, engines,

works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(*c*) all public sewers and drains, and all sewers, drains tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto; as also all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cess-pools or elsewhere;

(*d*) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto;

(*e*) all lands and buildings transferred to it by the Government, or by gift or otherwise, for local public purposes;

(*f*) all public streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

Power to Government to resume property.

(3) It shall be competent to the Government from time to time, by notification, to resume any property vested or vesting in the municipal council under this section on such terms as the Government may determine.

Municipal fund.

54. All money received by or on behalf of the municipal council by virtue of this or any other Regulation; all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by it under this Regulation; all proceeds of land or other property sold by the municipal councils, and all rents accruing from its land or property; as also all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise, shall constitute the municipal fund, and shall be held and dealt with in a similar manner to the property mentioned in the last preceding section;

Provision as to special trusts.

Provided that nothing in this section, or in the last preceding section, shall in any way affect any obligations accepted by or imposed upon any municipal council by any declarations of trust executed by or on behalf of such municipal council, or by any scheme settled by order of the Government for the administration of any trust.

Application of municipal fund and property.

55. The municipal fund and all property held by or vested in the municipal council under this Regulation shall be applied, subject to the provisions of this Regulation for the purposes specified in sections 58, 59 and 61 and for all other purposes for which by or under this Regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the

previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interest.

Power to deposit and invest surplus funds.

56. (1) It shall be lawful for the municipal council to deposit at interest with the Government savings bank, or with the sanction of the Government in any other bank in or outside of Mysore, any surplus funds in its hands which may not be required for current charges, and with the like sanction to invest such funds in public securities in the name of the municipal council, and from time to time dispose of such securities as may be necessary.

Surplus not so deposited or invested how to be dealt with.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1), be deposited in the local Government treasury, or such other place of security as may be sanctioned by the Government.

Power of municipal councils to borrow money.

57. A municipal council may, in pursuance of a resolution passed at a special general meeting and with the previous sanction of the Government and subject to such conditions as may be prescribed by the Government as to security, the rate of interest and the repayment of principal and interest, borrow either from the Government or from any person, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Regulation.

CHAPTER VI.

Obligatory and Discretional Functions of Municipal Councils.

Duties of municipal councils.

58. It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely :—

(*a*) lighting public streets, places and buildings ;

(*b*) watering public streets and places ;

(*c*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or not ; removing noxious vegetation ; and abating all public nuisances ;

(*d*) extinguishing fires, and protecting life and property when fires occur ;

(*e*) regulating or abating offensive or dangerous trades or practices;

(*f*) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or belong to the Government;

(*g*) securing or removing dangerous buildings or places, and reclaiming unhealthy localities;

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead;

(*i*) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage-works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams, and the like;

(*j*) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost;

(*k*) naming streets and numbering houses;

(*l*) registering births and deaths;

(*m*) public vaccination;

(*n*) suitable accommodation for any calves, cows, or buffaloes required within the municipality for the supply of animal lymph;

(*o*) establishing and maintaining public hospitals and dispensaries, and providing public medical relief;

(*p*) arranging for the destruction or the detention and preservation of such dogs within the municipality as may be dealt with under the law in force relating to police or under section 149 of this Regulation.

(*q*) providing facilities for anti-rabic treatment and meeting the expenses of indigent persons undergoing anti-rabic treatment within or outside the municipal limits;

(*r*) housing and maintaining destitute orphans and destitute cripples;

(*s*) printing such annual reports on the municipal administration of the municipality as the Government by general or special orders requires the municipal council to submit;

(*t*) paying the salary and the contingent expenditure on account of such police or guards as may be required by the municipal council for the purposes of this Regulation or for the protection of any municipal property, and

providing such accommodation as may be required by the Government under the law in force relating to police.

Special duties.

59. Subject to such reasonable provision as is mentioned in section 58, every municipal council shall make reasonable provision for the following special matters, namely :—

(*a*) providing special medical aid and accommodation for the sick in time of dangerous disease ; and taking such measures as may be required to prevent the outbreak, or suppress and prevent the recurrence, of the disease ;

(*b*) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipality.

Power of Government to exempt municipal council from any of the duties.

60. Notwithstanding anything contained in sections 58 and 59, the Government may exempt any municipal council from any of the provisions of those sections or may declare that in regard to any municipal council any of the duties specified in the aforesaid sections shall be deemed to be discretionary duties within the meaning of section 61.

Discretionary powers of expenditure of municipal council.

61. Municipal councils may, at their discretion, provide out of the said property and fund, either wholly or partly, for

(*a*) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, including the land requisite for the construction of buildings or curtilages thereof, to abut on such streets ;

(*b*) constructing, establishing, or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharmasalas, rest-houses and other public buildings ;

(*c*) constructing and maintaining, where necessary, suitable sanitary houses for the habitation of the poor and granting loans for the construction of such houses or for effecting necessary improvements connected therewith ;

(*d*) on such terms and conditions as the Government approves, the promotion, formation, extension or assistance of

(1) a co-operative society for the benefit of municipal employees ; or

(2) any provident fund or benefit society whose objects include the erection, improvement, maintenance or management of suitable accommodation for the poorer and working classes

by any or all of the following means :—

(*i*) the acquisition of land with a view to selling or leasing the same to such society ; or

(*ii*) the making of grants or loans thereto; or
(*iii*) subscription for any share capital therein; or
(*iv*) guaranteeing the payment of interest on money borrowed by such society or of any share capital issued thereby;

(*e*) providing accommodation for any class of servants employed by the municipal council or granting loans to such servants for construction of houses subject to the rules prescribed in this behalf;

(*f*) granting loans to encourage local arts and industries;

(*g*) planting and maintaining roadside and other trees;

(*h*) taking a census; and granting rewards for information which may tend to secure the correct registration of vital statistics;

(*i*) making a survey;

(*j*) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in section 181;

(*k*) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the municipal council;

(*l*) establishing and maintaining a farm or factory for the disposal of sewage;

(*m*) providing music for the people;

(*n*) the establishment and maintenance of dairy farms;

(*o*) with the sanction of the Government, the construction, purchase, organisation, maintenance or management of—

(*i*) light railways and tramways, or
(*ii*) motor or other transport facilities for the carriage of the public,

or guaranteeing the payment from the municipal fund of such sums as the municipal council shall think fit as interest on capital expended by the Government or a company for the aforesaid purposes;

or granting loans for providing capital for any of the said purposes;

(*p*) the maintenance of an ambulance service;

(*q*) the promotion of public health or infant welfare;

(*r*) contribution towards any public fund raised for the relief of human suffering within or without the municipality;

(*s*) by a resolution passed at a general meeting and supported by one-half of the whole number of councillors,

and with the previous sanction of the Government, any public reception, ceremony, entertainment or exhibition within the municipality; and

(*t*) the organisation or maintenance during scarcity of shops or stalls for the sale of necessaries of life;

(*u*) any other matter not hereinbefore specifically named which is likely to promote education or the public health, safety or convenience or the advancement of the economic condition of the inhabitants or which is necessary for the carrying out of this Regulation expenditure whereon is resolved by the municipal council by the votes of not less than one-half of the whole number of councillors and with the approval of the Government to be an appropriate charge on the municipal fund.

Arrangements purporting to be binding permanently or for a term of years.

62. When a municipal council has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the municipal council or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that it shall have given at least twelve months' notice of its intention so to do to the manager or managers of such institution.

Management of public institutions maintained by municipal councils to vest in it.

63. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council by which it is maintained.

CHAPTER VII.

Municipal Taxation.

(*1*) *Imposition of taxes.*

Taxes which may be imposed.

64. Any municipal council—

(*a*) after observing the preliminary procedure required by section 65, and

(*b*) with the sanction of the Government, and subject to such modifications or conditions as under section 66 the Government in according such sanction deems fit, may impose, for the purposes of this Regulation, any one or more of the following taxes at rates not exceeding those prescribed in schedules I to IV, that is to say,

(i) a rate on buildings or lands or both situated within the municipality ;

(ii) a tax on all or any vehicles, boats or animals used for riding, draught or burden, kept within the said municipality for use ;

(iii) a toll on vehicles entering the said municipality, but not liable to taxation under the clause last preceding ;

(iv) an octroi on animals or goods, or both brought within the octroi limits for consumption or use therein ;

(v) a terminal tax on goods imported or exported from the terminal tax limits :

provided that a terminal tax and an octroi shall not be in force in any municipality at the same time ;

(vi) a tax on dogs kept within the said municipality ;

(vii) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required ;

(viii) a general sanitary cess for the construction or maintenance, or both construction and maintenance, of public latrines, and for the removal and disposal of refuse ;

(ix) a water-rate or water rates for water supplied by the municipal council, which may be imposed in the form of a rate assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case ;

(x) a lighting tax ;

(xi) a tax on arts, professions, trades and callings, and on offices and appointments ;

(xii) a tax on shops and other places where a business or profession is carried on for purpose of profit, payable by the person or persons engaged in the business or profession :

provided that where the municipal council elects to levy a tax under this clause, the person or persons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause (xi) in respect of the business or professions carried on in the shop or place ;

(xiii) any other tax to the nature and object of which the approval of the Government shall have been obtained prior to the selection contemplated in clause (a) of section 65.

Provided that—

(*a*) no tax imposed as aforesaid other than a special sanitary cess or water-rate shall, without the express consent of the Government, be leviable in respect of—

(i) any building or part of any building belonging to the Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit;

(ii) any vehicle, animal or other property belonging to the Government and used solely for public purposes and not used or intended to be used for purpose of profit;

(iii) any building or part of a building used as a place of public worship or used for a charitable purpose;

(*b*) (i) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of His Highness the Maharaja or His Highness the Yuvaraja or for the location of the establishments of His Highness the Maharaja or His Highness the Yuvaraja, or in respect of any vehicle, animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja;

(ii) in respect of all other buildings owned by the Palace and used as rent-free residences, no tax of any kind as aforesaid shall be leviable except a special sanitary cess and excess water-rate, if any, which shall be recoverable from the occupants thereof;

(*c*) no toll shall be leviable in respect of any vehicle used for the passage of troops or the conveyance of the property of His Highness the Maharaja or His Highness the Yuvaraja or of Government stores or of any other Government property or for the passage of military or police officers on duty or the passage or conveyance of any person or property in their custody;

(*d*) the Government may by order grant and define other exemptions in exceptional cases from payment of tolls or other taxes imposed under this Regulation;

(*e*) no tax shall be leviable in respect of horses, being registered chargers of the officers of the Mysore State Troops or of the British Indian Army, or in respect of one bicycle and one horse kept by the members of the Mysore police force or the police force of the Civil and Military Station, Bangalore, for the performance of their official duties;

(*f*) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds, and until the municipal council has

(i) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers and

(ii) issued either severally to the persons to be charged, or generally to the inhabitants of the municipality or part of the municipality to be charged with such cess, one month's notice of the intention of the municipal council to perform such cleansing and to levy such cess;

(*g*) the municipal council, in lieu of imposing separately any two or more of the taxes described in clauses (i), (viii), (ix) and (x), may impose a consolidated tax, assessed as a rate on buildings or lands, or both, situated within the municipality.

Procedure preliminary to imposing

65. A municipal council before imposing a tax shall observe the following preliminary procedure:—

(*a*) it shall, by resolution passed at a general meeting, select for the purpose one or other of the taxes specified in section 64 and prepare rules for the purposes of clause (*h*) of section 49, prescribing the tax selected, and in such resolution and in such rules specify—

(*i*) the classes of persons or of property or of both which the municipal council proposes to make liable, and any exemptions which it proposes to make;

(*ii*) the amount or rate at which the municipal council proposes to assess each such class;

(*iii*) in the case of a rate on buildings or lands or both, the basis, for each class, of the valuation on which such rate is to be imposed;

(*iv*) all other matters which the Government may require to be specified therein.

(*b*) When such resolution has been passed, the municipal council shall publish the rules so prepared with a notice in the form of schedule VII prefixed thereto.

(*c*) Any inhabitant of the municipality objecting to the imposition of the said tax or to the amount or rate proposed, or to the classes of persons or property to be made liable thereto or to any exemptions proposed, may, within one month from the publication of the said notice, send his objection in writing to the municipal council; the municipal council shall take all such objections into consideration, or shall authorise a committee to consider the same and report thereon; and unless it decides to abandon the proposed tax, shall submit such objection with its opinion thereon and any modifications proposed in accordance therewith, together with the notice and aforesaid to the Government.

Power to sanction, modify and impose conditions.

66. The Government may either refuse to sanction the rules submitted, or may return them to the municipal council for further consideration, or if no objection, or no objection which is in its opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

(*a*) without modification, or

(*b*) subject

(i) to such modifications not involving an increase of the amount to be imposed or,

(ii) to such conditions as to the application within the municipality to any purpose or purposes of this Regulation specified in such conditions, of the whole or any part of the proceeds of such tax, as it deems fit.

Publication of sanctioned rules with notice.

67. All rules sanctioned under section 66 with all modifications subject to which the sanction is given, shall be published by the municipal council in the municipality for which they are prescribed, together with a notice reciting the sanction and the date and serial number thereof, and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the municipal council in accordance with all conditions, if any, subject to which under section 66 the sanction was given :

Provided that—

(*a*) a tax leviable by the year

(i) shall not come into force except on one of the following dates, *viz.*, the first day of July—the first day of October—the first day of January—the first day of April—in the official year in which such notice is published, and

(ii) if it comes into force on any day other than the first of July it shall be leviable by the quarter, till the first day of July then next ensuing,

(*b*) on or before the day on which a notice is issued under this section, the municipal council shall publish such further detailed rules as may be required, and as may have been approved by the Government under proviso (i) to section 49, prescribing the mode of levying and recovering the tax therein specified, and the dates on which it or the instalments, if any, thereof, shall be payable,

(*c*) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

(2) *Assessment of and liability to rates.*

Appointment of assessor.

68. (1) For assessing taxes imposed in the form of a rate on buildings or lands or both, the municipal council shall with the previous sanction of the Government, appoint an assessor.

(2) The municipal council may also assign to the assessor any other work which in its opinion he can perform without prejudice to his duties as assessor.

Preparation of an assessment list.

69. (1) When a rate on buildings or lands or both is imposed, the assessor shall cause an assessment list of all buildings, or lands, or buildings and lands in the municipality to be prepared, containing

(*a*) the name of the street or division in which the property is situated;

(*b*) the designation of the property, either by name or by number, sufficient for identification;

(*c*) the names of the owner and occupier, if known;

(*d*) the annual letting value or other valuation on which the property is assessed; and

(*e*) the amount of the tax assessed thereon.

Power to inspect.

(2) For the purpose of making such assessment as aforesaid, the assessor and any person appointed to assist him in his work may make an inspection of such property.

Returns to be furnished.

(3) On the requisition of the assessor, the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature—

(*a*) as to the name and place of abode of the owner or occupier or of both;

(*b*) as to the dimensions of such building or land and the annual letting value or other valuation thereof.

Person primarily liable for a rate on buildings or lands or both how to be designated if his name can not be ascertained.

70. (1) When the name of the person primarily liable for the payment of a rate on buildings or lands or both in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment list, and in any notice which it may be necessary to serve upon the said person under this Regulation, "the holder" of such premises, without further description.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all rates on buildings or lands or both leviable on the premises of which he is in occupation. **Occupier liable for a rate on buildings or lands or both until he gives information.**

71. When the assessment list has been completed the assessor shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge. **Publication of notice of assessment list.**

72. (1) The assessor shall, at the time of the publication of such assessment-list, give public notice of a time, not less than one month thereafter, when the revising authority will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed or the assessment is increased, the assessor shall also give notice thereof to the owner or occupier of the property, if known and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous place on the property. **Public notice of time fixed for revising assessment list.**

(2) In a municipality for which there is a municipal commissioner, such municipal commissioner and elsewhere the managing committee or any committee or committees to which the municipal council delegates the powers and functions of the managing committee in this behalf or any officer of the Government to whom with the permission of the Government the municipal council delegates, and it is hereby empowered to delegate, the powers and functions of the managing committee in this behalf, shall, be the revising authority to whom objections under sub-section (1) may be made. **Revising authority.**

(3) All objections to the valuation and assessment shall be made to the assessor before the time fixed in the notice, by application in writing stating the grounds on which the valuation and assessment are disputed, and all applications so made shall be registered in a book to be kept by the assessor for the purpose. **Objections how to be made.**

(4) The revising authority shall, after allowing the applicant an opportunity of being heard in person or by agent, **Hearing of objections.**

(*a*) investigate and dispose of the objections,

(*b*) cause the result thereof to be noted in the book kept under sub-section (3), and

(*c*) cause any amendment necessary in accordance with such result to be made in the assessment list.

(5) From every order of the municipal commissioner under sub-section (4), there shall be an appeal in accordance with the rules to be framed by the municipal council in this behalf to the managing committee whose decision shall be final, notwithstanding anything contained in sub-section (2) of section 37.

Authentication of list.

(6) When all objections made under this section and appeals under sub-section (5), have been disposed of and all amendments in accordance with sub-sections (4) and (5) have been made in the assessment list, the said list shall be authenticated by the revising authority.

Custody and inspection of list.

(7) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property specified therein, or to the agents of such persons and a notice that it is so open shall be forthwith published.

Authenticated list how far conclusive

(8) Subject—

(*a*) to such alterations as may thereafter be made therein, under the provisions of the next following section, and

(*b*) to the result of any appeal made under section 101,

the entries in the list so authenticated and deposited shall be accepted as conclusive evidence—

(i) for the purposes of all municipal taxes, of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon throughout the official year to which such list relates.

Amendment of assessment list.

73. (1) The municipal council may at any time alter the assessment list by inserting or altering an entry, in respect of any property, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake, or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made.

(2) An objection made by any person interested in any such alteration, before the time fixed in such notice, and in the manner provided by sub-section (3) of section 72, shall be dealt with in all respects as if it were an application under the said section. Objections how dealt with.

(3) An entry or alteration made under this section shall, subject to the provisions of section 101, have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other cases, on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed; and the tax or the enhanced tax, as the case may be, shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year. Effect of amendment.

74. (1) When any building or any portion of a building which is liable to the payment of a rate on buildings or lands or both is demolished or removed, otherwise than by order of the municipal council, the person primarily liable for the payment of the said rate shall give notice thereof, in writing, to the municipal council. Notice to be given to the municipal council of demolition or removal of a building.

(2) Until such notice is given, the person, aforesaid shall continue liable to pay every such rate as he would have been liable to pay in respect of such building, if the same, or any portion thereof, had not been demolished or removed.

(3) Provided that nothing in this section shall apply in respect of a building or portion of a building which has fallen down or been burnt down.

75. (1) It shall not be necessary to prepare a new assessment-list every year. Subject to the condition that every part of the assessment-list shall be completely revised not less than once in every four years, the assessor may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following. New assessment list need not be prepared every year.

(2) But the provisions of sections 71, 72 and 73 shall be applicable every year as if a new assessment-list had been completed at the commencement of the official year.

76. Every tax imposed in the form of a rate on buildings or lands or on both shall be leviable primarily from the actual occupier of the property upon which the Tax from whom primarily leviable.

said taxes are assessed, if he is the owner of the buildings or lands, or holds them on a building or other lease from the Government or from the municipal council, or on a building lease from any person. Otherwise, the said tax shall be primarily leviable as follows, namely :

(*a*) if the property is let from the lessor ;
(*b*) if the property is sublet from the superior lessor ;
(*c*) if the property is unlet from the person in whom the right to let the same vests :

Recovery from occupiers.

Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due, as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment-list, whichever of those two amounts is the greater.

Remedy of occupier in such case.

Provided further, that for any sum paid by, or recovered from, any occupier who is not primarily liable under this section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum.

Notice to be given to municipal council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.

77. (1) Whenever the title of any person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings, or lands or both to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall give notice of such transfer in writing to the municipal council.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give notice of such transfer to the municipal council.

Form of notice.

78. (1) The notice to be given under the last preceding section shall be in the form either of schedule VIII or schedule IX, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the municipal council may, if it thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Mysore Registration Regulation, 1903.

79. Whenever such transfer comes to the knowledge of the municipal council either through such notice or otherwise, and after such enquiry as may be necessary, the name of the transferee shall be substituted in the municipal registers for that of the person primarily responsible. **Name of transferee to be substituted in the municipal registers.**

80. (1) Every person, primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands, who transfers his title to or over such premises without giving notice of such transfer to the municipal council as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all taxes from time to time payable in respect of the said premises, until he gives such notice, or until the transfer shall have been recorded in the registers of the municipal council. **Liability for payment of taxes on buildings or lands to continue in the absence of notice of transfer.**

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the municipal council on the premises conferred by section 102 for the recovery of the taxes due thereupon.

81. (1) Where any building or land which is assessed to a rate based on the annual letting value and payable by the year or in respect of which a special sanitary cess is payable by the year, or by instalments, has remained vacant and unproductive of rent throughout the year or portion of the year for which the rate is leviable or throughout the period in respect of which any such instalment is payable, the municipal council shall remit or refund not less than two-thirds of the amount of the rate, or of the cess, or instalment of the cess, as the case may be: **Remission of tax in case of vacancies; when obligatory.**

Provided that no such remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the municipal council, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

(2) When any such building or land as aforesaid— **When discretional.**

(*a*) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(*b*) consists of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(*c*) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value,

the municipal council may remit or refund such portion, if any, of the rate or cess or instalment as it may think equitable.

Burden of proof on claimant.

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him.

Explanatory clause.

(4) For the purposes of this section a building or land shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

(3) *Power to charge fees.*

Municipal council may charge fees for certain licenses.

82. (1) When any license is granted by the municipal council under this Regulation, or when permission is given by it for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the municipal council, the municipal council may charge a fee for such license or permission.

Levy of fees for unauthorised occupation or projection.

(2) The municipal council may charge a higher fee by way of penalty for any erection, or projection, or for the use or occupation of any public street or other land vested in the municipal council by any person without its permission or license. Such fee shall be leviable irrespective of any other penalty or liability to which the person liable to pay the same may be subject under any other provision of this Regulation or any other law for the time being in force. The rates of such higher fees shall be determined by rules.

Market and other fees.

(3) The municipal council may also charge such fees as may be fixed by by-laws under clause (*a*) of sub-section (1) of section 51 for the use of any such places mentioned in that sub-section, as belong to the municipal council.

Farming of fees.

(4) It shall be lawful for the municipal council to lease the levy of any fee that may be imposed under sub-section (3) by public auction or private contract.

Power of lessee to expel persons who refuse to pay fees.

(5) When any fee has been leased under sub-section (4), any person employed by the lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it.

(4) *Special provisions relating to certain taxes.*

Fixed charges and agreements for payment in lieu of taxes for water supplied.

83. (1) The municipal council may, instead of imposing a water-rate, or where a water-rate has been imposed, in individual cases, instead of levying a rate imposed in respect of the supply of water belonging to the municipal council to, or for use in connection with, any private lands or buildings,

(*a*) fix at rates not exceeding such as shall be specified in the rules in force under section 49, charges for such supply according to the quantity used as ascertained by measurement.

(*b*) arrange with any person, on his application, to supply on payment, periodical or otherwise, water belonging to the municipal council in such quantities or for such purposes, whether domestic, ornamental, or irrigational or for trade, manufacture or otherwise, on such terms and subject to such conditions as it shall fix by agreement with such person.

Provided that—

(*a*) the meter, connection pipes and all other works necessary for and incidental to such supplies, and all future repairs, extensions and alterations of such works shall be under the control of the municipal council, and the expense thereof shall, so far as is not inconsistent with the rules or by-laws of the municipal council, be defrayed by the persons liable in respect of such supplies, and

(*b*) all such supplies of water shall be, and shall be deemed to have been granted, subject to all such conditions as to the limit or stoppage thereof, and as to the prevention of waste or misuse, as are prescribed in the by-laws for the time being in force under section 51.

Power to fix a special rate in lieu of special sanitary cess.

(2) When the municipal council has made provision for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, it may, instead of levying in respect thereof any special sanitary cess imposed under this chapter, fix a special rate, and the dates and other conditions for periodical payments thereof, which shall be determined either,

(i) in accordance with the rules for the time being in force under section 49, or

(ii) by written agreement with the person who would have been otherwise liable for the cess, provided that, in fixing the amount, proper regard be had to the

probable cost to the municipal council of the service to be rendered.

Power to compound tax on vehicles or animals.

(3) When the municipal council has imposed a tax on vehicles or animals used for riding, draught or burden and kept within the municipality for use, it may compound with the keeper of any livery-stable or of herses or vehicles kept for sale and hire, for the payment of a lumpsum, for any period not exceeding one year at a time, in lieu of any amount which such keeper would otherwise have been liable to pay on account of the tax imposed as aforesaid.

Composition of toll.

(4) The municipal council may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the municipal council and to be paid monthly, quarterly, or half yearly in advance in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle or animal, within the limits of the municipality, provided that the sum charged shall not be less than one-half of the amount which such person would have been liable to pay if the vehicle had to pay toll once every day during the period for which the pass is issued.

Recovery of sums claimed under this section.

(5) Every sum claimed by the municipal council as due under sub-sections (1) as a charge fixed by agreement or otherwise on account of water-supply, or as expenses to be defrayed such as are referred to in that sub-section, or as a special rate under sub-section (2) or as a lumpsum payable under sub-sections (3), and (4) shall for the purposes of chapter VIII be deemed to be, and shall be recoverable in the same manner as, an amount claimed on account of any tax recoverable under the said chapter.

Certain rights not affected by section 83.

84. Nothing contained in section 83 shall affect the right or powers of the municipal council to contract with any person to supply for use beyond the limits of the municipality, at such rates and on such conditions as the municipal council may think fit, any quantity of water belonging to the municipal council but not required for the purposes of this Regulation.

Power of Government to suspend or prohibit levy of objectionable taxes.

85. If it shall at any time appear to the Government, on complaint made or otherwise, that any tax, leviable by a municipal council, is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said municipal council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if, within the

period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification in the Official Gazette, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Government may, at any time, by a like notification, rescind any such suspension.

Power of Government to require municipal council to impose taxes.

86. Whenever it appears to the Government that the balance of the municipal fund of any municipal council is insufficient for meeting the expenditure incurred under section 219 or under section 221 or for the performance of any duties in respect of which it shall have been declared under section 224 to have committed default, the Government may by notification require the municipal council to impose, within the municipality, any such tax specified in the notification as may be imposed under section 64 if no such tax is at the time imposed therein, or to enhance any existing tax in such manner or to such extent as the Government considers fit, and the municipal council shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this chapter, as if a resolution of the municipal council had been passed for the purpose under section 65 :

Provided that—

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may make against the imposition or enhancement of such tax,

(*b*) it shall not be lawful for the municipal council to abandon or modify or to abolish such tax when imposed, and

(*c*) the Government may at any time cancel or modify any requisition made by it under this section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

(5) *Octroi and tolls.*

Octroi by-laws to be submitted with proposal for imposition of octroi.

87. Every municipal council when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for sanction a draft of by-laws for the purposes of clause (*k*) of sub-section (1) of section 51, after observing the requirements of sub-sections (2) and (3) of that section.

Power to examine articles liable to octroi.

88. (1) Every person bringing into, or receiving from beyond the octroi limits of a municipality any article on which octroi is payable shall, when required by an officer authorised in this behalf by the municipal council and so far as may be necessary for ascertaining the amount of tax chargeable,

(*a*) permit that officer to inspect, examine and weigh and otherwise deal with the article; and

(*b*) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article.

Power to search where octroi is leviable.

(2) If any person bringing into, or receiving from beyond the octroi limits of a municipality in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorised by the municipal council in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a magistrate or such officer of the municipal council as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Presentation of bills for octroi.

89. (1) Every officer demanding octroi by the authority of the municipal council shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

Penalty for evasion of octroi.

(2) If goods passing into a municipality are liable to the payment of octroi, then every person who, with the intention to defraud the municipal council, causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the said municipality, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall on conviction by a magistrate be punishable with fine which may extend to ten times the value of such octroi or to fifty rupees whichever may be greater.

Penalty for selling articles liable to octroi without a license or for being in possession of any such article on-

90. (1) Any person selling or keeping for sale without a license any article liable to octroi for the sale of which a license is required to be obtained, or having in his possession any such article on which octroi has not been paid, shall be liable, on conviction before a magistrate, to a fine not exceeding ten times the octroi due on all the articles

so sold or kept for sale, or possessed, or one hundred rupees whichever may be greater; and

which octroi has not been paid.

(2) Any officer of the municipal council authorised by the municipal council in this behalf, if he has reason to believe that any such article on which octroi has not been paid, is kept or concealed in any premises, may after obtaining the warrant of a magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Seizure of articles on which octroi duty has not been paid and arrest of persons in possession of such articles.

Provided that any article or perron so seized or arrested shall be produced before a magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any such article not exceeding two hundred rupees in value kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

(3) The provisions of the Code of Criminal Procedure shall, so far as may be, apply to all searches and arrests effected under this section.

Searches and arrests to be governed by the provisions of the Criminal Procedure Code.

91. Every municipal council imposing any toll under this Regulation shall cause to be kept at each place, where such toll is to be collected a table in Kannada showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments, and it shall be the duty of every person authorised to demand payment of a toll, to show such table, on the request of any person on whom such demand is made.

Tables of tolls to be shown on demand.

92. (1) In the case of non-payment on demand of any octroi or of any toll leviable by a municipal council, the person appointed to collect such octroi or toll may seize any article on which the octroi is chargeable or any vehicle on which the toll is chargeable, or any part of its burden, which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, or article seized a list of the property together with a written notice in the form of schedule XII.

Power to seize vehicle on non-payment of octroi or toll.

Notice of sale

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

Release of property on payment.

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the municipal office the amount of all expenses incurred, and of the octroi or toll payable, the municipal council shall forthwith release the property seized.

Sale.

(4) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such octroi or toll and the expenses incidental to the seizure, detention and sale.

Surplus how dealt with.

(5) The surplus, if any, of the sale proceeds shall be credited to the municipal fund, and may, on application made to the municipal council in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the municipal council.

Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

93. The municipal ocuncil, if it thinks fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the municipality, may at any time direct that an account current shall be kept on behalf of the municipal council of the octroi so due from any such firm or body as the municipal council specifies in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the municipal council or any committee or officer authorised by it in this behalf, shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues. Every amount so due at the expiry of any such interval shall, for the purposes of chapter VIII, be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter.

Farming of tolls.

94. (1) It shall be lawful for the municipal council to lease annually the levy of any toll that may be

imposed under this Regulation by public auction or private contract.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of section 92; provided that no article distrained may be sold except under the orders of the municipal council.

CHAPTER VIII.

Recovery of Municipal Claims.

Presentation of bill for taxes.

95. (1) When any amount—

(*a*) which, by or under any provisions of this Regulation, is declared to be recoverable in the manner provided by this chapter, or

(*b*) which, not being leviable under sub-section (1) of section 92, or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which now is imposed or hereafter may be imposed in any municipality,

shall have become due, the municipal council shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

Contents of bill.

(2) Every such bill shall specify—

(*a*) the period for which, and

(*b*) the property, occupation or thing in respect of which,

the sum is claimed, and shall also give notice of—

(i) the liability incurred in default of payment, and of

(ii) the time within which an appeal may be preferred as hereinafter provided against such claim.

If bill not paid within fifteen days, notice of demand to issue.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorised by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the municipal council may cause to be served upon the person to whom such bill has been presented a notice of demand in the form of schedule X, or to the like effect.

In what cases warrant may issue.

96. (1) If the person on whom a notice of demand has been served under section 95, sub-section (3), does not, within fifteen days from the service of such notice of demand, either—

(*a*) pay the sum demanded in the notice, or

(*b*) show cause to the satisfaction of the municipal council, or of such officer as the municipal council by rule may appoint in this behalf, or of the chief officer, or of the municipal commissioner, if any, why he should not pay the same, or

(*c*) prefer an appeal in accordance with the provisions of section 101 against the demand,

such sum with all costs of the recovery may be levied under a warrant caused to be issued by the municipal council in the form of schedule XI or to the like effect, by distress and sale of the movable property of the defaulter.

Warrant by whom to be signed.

(2) Every warrant issued under this section shall be signed by the president of the municipal council causing the same to be issued, or by an officer to whom the municipal council has delegated its powers under section 38 or by the chief officer, or by the municipal commissioner, if any.

To whom the warrant should be addressed.

(3) Where the property is in the area under the control of the municipal council, the warrant shall be addressed to an officer of the municipal council. Where the property is in another municipality constituted under this Regulation or the Mysore Town Municipalities Regulation, 1933, or under the Mysore Minor Municipalities Regulation, 1933, or in a place which is not a municipality constituted under the aforesaid Regulations, the warrant shall be addressed to the president of the municipal council concerned or to the Amildar of the taluk as the case may be; provided that such president or Amildar may endorse such warrant to a subordinate officer.

Power of entry under special order.

(4) It shall be lawful, for any officer to whom a warrant issued under sub-section (2) is addressed or endorsed, if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance. Provided that such officer shall not enter or break open the door of any

apartment appropriated for women, until he has given three hours' notice of his intention, and has given such women an opportunity to remove.

(5) It shall also be lawful for any such officer, if authorised by the warrant, to distrain, wherever it may be found, any movable property of the person named in the warrant issued under sub-section (1) as defaulter, subject to the following conditions, exceptions and exemptions, namely :— Warrant how to be executed.

(*a*) The following property shall not be distrained :—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artizans,

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood.

(*b*) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under sub-section (2) to sign a warrant or of the person to whom the warrant was addressed, should not have been so distrained, they shall forthwith be returned.

(*c*) The officer shall on distraining the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of distraint, a written notice in the form of schedule XII.

97. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the president or officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid. Sale of goods distrained in special cases.

(2) If not sold at once under sub-section (1), the property distrained or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant, and distress and detention of the property, is paid, be, on the expiry of the time specified in the notice served by the officer executing the Sale of property distrained ; application of proceeds of sale.

warrant, sold by public auction under the orders of the municipal council, and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

Surplus, if any, how dealt with.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint, but if the same be claimed by written application to the municipal council within one year from the date of the notice given under this sub-section, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the municipal council.

Distraint and sale outside the municipality.

98. Where the warrant is addressed outside the municipality, the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply *mutatis mutandis*. Such officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued, who shall dispose of the same in accordance with the provisions of section 97.

Summary proceedings may be taken against persons about to leave the municipality.

99. (1) If the municipal council shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this chapter is due or is about to become due, is about to remove from the municipal area, the municipal council may cause a bill for the sum due or about to become due to be presented to such person and demand immediate payment thereof.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the movable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand and the municipal council's warrant for distress and sale may be issued and executed without any delay.

Fees and costs chargeable.

100. Fees for—

(*a*) every notice issued under sub-section (3) of section 95,

(*b*) every distress made under sub-section (5) of section 96, and

(*c*) the costs of maintaining any live-stock seized under the said sub-section,

shall be chargeable at the rates respectively specified in such behalf in the rules of the municipal council, and shall be included in the costs of recovery to be levied under section 97.

Appeal to magistrates.

101. (1) Appeals against any notice of demand issued under sub-section (3) of section 95, may be made to any magistrate or bench of magistrates by whom, under the directions of the Government or of the District Magistrate, such class of cases is to be tried.

But no such appeal shall be heard and determined unless—

(*a*) the appeal is brought within one month next after service of the notice of demand complained of; and

(*b*) an application in writing, stating the grounds on which the claim is disputed, has been made as follows, that is to say :

(i) in the case of a rate on buildings or lands, to the assessor or the municipal council as the case may be, within the time fixed in the notice given under section 72 or 73 of the assessment or alteration thereof, according to which the bill is prepared;

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 95 to the municipal council within fifteen days next after the presentation of such bill; and

(*c*) the amount claimed from the appellant has been deposited by him in the municipal office.

Revision of decisions on appeal.

(2) The decision of the magistrate or bench of magistrates upon any appeal, shall at the instance of either party, be subject to revision by the court to which appeals from his or their decisions ordinarily lie.

(3) Effect shall be given by the municipal council to every decision of the said magistrate or bench of magistrates on any appeal or any decision in revision on such appeal.

Liability of land, buildings, etc., for rates.

102. All sums due on account of any tax imposed in the form of a rate on lands or buildings, or on both, mentioned in section 76, shall, subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the building or land, in respect of which such tax is leviable, and upon the movable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes :

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

Receipts to be given for all payments.

103. For all sums paid on account of any tax under this Regulation, a receipt stating the amount, and the tax on account of which it has been paid shall be tendered by the person receiving the same.

CHAPTER IX.

MUNICIPAL POWERS AND OFFENCES.

(*I*) *Powers in respect of streets.*

Power regarding street, etc.

104. (1) It shall be lawful for the municipal council to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge, or otherwise improve any such streets, and to turn, divert, discontinue, or stop up any such streets, and, subject to the provisions of sub-section (2) of section 41, to lease or sell any such land theretofore used or acquired by the municipal council for the purposes of such streets, as may not be required for any public street or for any other purposes of this Regulation.

(2) In laying out or making, or in turning, diverting, widening, opening, enlarging, or otherwise improving any public street, in addition to the land required for the carriage-way and foot-ways and drains thereof, the municipal council may purchase the land necessary for the houses and buildings to form the said street, and, subject to the provision contained in sub-section (2) of section 41, may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may think fit.

Power to require repair of streets;

105. (1) When the municipal council considers that in any street, not being a public street, or in any part of such street, within the municipality, it is necessary for the public health, convenience or safety that any work should be done for the levelling, paving, metalling, flagging, channelling, draining, lighting or cleaning thereof, the municipal council may by written notice require the respective owners of the lands or buildings fronting,

adjoining or abutting upon such street or part thereof, to carry out such work in any manner and within a time to be specified in such notice.

and to declare such streets public.

(2) After such work has been carried out by such owners or, as provided in section 187 by the municipal council at the expense of such owners, the street or part thereof in which such work has been done shall on the joint requisition of a majority of the said owners, be declared by a public notice, put up therein by the municipal council, to be a public street.

(3) If the notice under sub-section (1) is not complied with and such work is executed by the municipal council as provided in section 187, the expenses thereby incurred shall be apportioned by the municipal council, between such owners in such manner as it may think fit, regarding had, if it deems it necessary, to the amount and value of any work already done by the owners or occupiers of any such lands or buildings.

Power to declare any street a public street subject to objections by the owners.

(4) A municipal council may, at any time, by notice fixed up in any street or part of a street not maintainable by the municipal council give intimation of its intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or the majority of several owners of such street or such part of a street, lodges or lodge objections thereto at the municipal office, the municipal council may, by notice in writing put up in such street, or such parts, declare the same to be a public street.

Temporary closure of streets.

106. The municipal council may, by an order in writing, temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water supply or lighting or any of the purposes of this Regulation.

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

New streets.

107. (1) Every person intending to lay out or make any new street, shall give notice in writing thereof to the municipal council, and shall furnish plans and sections showing the intended level, means of drainage, direction and width of such street, if required by the municipal council to do so and the level, means of drainage, direction and width of every such street shall be fixed or approved by the municipal council.

(2) Before passing orders under sub-section (1), the municipal council may either issue—

Power of municipal council to pass orders.

(*a*) a provisional order directing that, for a period therein specified, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) a demand for further particulars.

(3) If—

Right to proceed in certain cases.

(*a*) within one month from the receipt of the notice given under sub-section (1), the municipal council has neither

(i) passed orders and served notice thereof either fixing or disapproving the proposals submitted under sub-section (1) with regard to level, means of drainage, direction and width of the street, nor

(ii) under sub-section (2), issued any provisional order or demand for further particulars, or if

(*b*) the municipal council, having issued such demand for, and having received, in accordance with the demand and with the by-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars,

then the street may be laid out and made, in such manner as may have been specified in the notice, and as is not inconsistent with any provision of this Regulation or of any by-law for the time being in force thereunder.

Penalty.

(4) Whoever lays out, makes or builds upon any such street, either without giving the notice required by sub-section (1), or, except in accordance with the provisions of sub-section (3), without awaiting, or otherwise than in accordance with, the instructions issued by the municipal council, or in any manner contrary to the provisions of this Regulation or of any by-law in force thereunder, shall be punished with fine which may extend to two hundred rupees, and the municipal council may cause any street so laid out or made to be altered, and any building erected in such street contrary to its directions to be altered, or removed, and the expense thereby incurred shall be paid to it by the offender, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

The regular line of public street.

108. (1) It shall be lawful for such municipal council as may be notified by the Government in this behalf, to prescribe a line on either side or both sides of any public street within the municipality and the municipal council may from time to time prescribe a fresh line in substitution of any line so prescribed, or for any part thereof.

Provided that—

(*a*) at least one month previous to prescribing such line or such fresh line, as the case may be, the municipal council shall notify the same in the Official Gazette and shall give public notice of it and it shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment;

(*b*) the municipal council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the municipal council within such time as it may specify in such public or special notice; and

(*c*) the municipal council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public.

(2) The line for the time being so prescribed shall be called 'the regular line of the public street.'

(3) (*a*) Except under the provisions of section 135, no person shall construct or reconstruct any portion of any building, within the regular line of the public street without the permission of the municipal council under section 115.

(*b*) Where the municipal council refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall thenceforth be vested in the municipal council and deemed part of the public street.

(*c*) Compensation, the amount of which shall, in case of dispute be ascertained and determined in the manner provided in section 191 shall be paid by the municipal council to the owner of any land vesting in the municipal council under clause (*b*) of sub-section (3) for the value of the said land and also for any loss, damage, or expense incurred by him in consequence of any action taken or order passed by the municipal council under the said clause (*b*).

(4) Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to two hundred rupees; and the municipal council may—

(*a*) direct that the building be stopped, and

(*b*) by a written notice, require such building or portion thereof to be altered or demolished as it may deem necessary.

(2) *Powers to regulate buildings, etc.*

Setting back projecting buildings.

109. (1) If any part of a building projects beyond the regular line of a public street as prescribed under section 108, or beyond the front of the building on either side thereof, the municipal council may,—

(*a*) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(*b*) if the projecting part is not such external structure as aforesaid, then, whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down,

require by written notice either that the part, or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed, or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the municipal council.

Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.

(2) If any land, not vested in the municipal council, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other such external structure, the municipal council, after giving the owner of the land not less than fifteen clear days' written notice of its intention, or if the land is vested in the Government, then with the permission in writing of the Deputy Commissioner, may take possession of the said land with its enclosing wall, hedge or fence, if any, and, if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the municipal council.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 191, shall be paid by the municipal council to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipal council under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 141 applies. Compensation payable by the municipal council.

(4) When the amount of compensation has been so ascertained and determined, or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 141, the municipal council may, after tendering the amount of compensation, if any, as may be payable, take possession of the land so added to the street, and , if necessary, may clear the same.

110. The municipal council may, upon such terms as it thinks fit, allow any building to be set forward for improving the line of any public street in which such building is situated. Setting forward to regular line of street.

111. (1) The municipal council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent or otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity. Buildings at corner of streets.

(2) For any land so acquired, the municipal council shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

112. (1) The external roofs and walls of buildings erected or renewed after the coming into force of this Regulation shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable materials, except with the written consent of the municipal council, which may be given either specially in individual cases, or generally in respcct of any area specified therein. Roofs and external walls of buildings not to be made of inflammable materials.

(2) The municipal council may at any time, by written notice, require the owner of any building which has an external roof or wall made of any such materials as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether Power to require removal of roof and wall if inflammable.

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such roof or wall was or was not made before the time at which this Regulation came into force, and whether it was made with or without the consent of the municipal council.

Penalty.

(3) Whoever without such consent as is required by sub-section (1) makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such materials as aforesaid, shall be punished with a fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which the offence is continued after the date of the first conviction.

Level of buildings.

113. No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipal council, or into some stream or river, or some cesspool, or other suitable place which may be approved of by the municipal council.

Rat-proof building for warehouse for storing grain.

114. The municipal council may require that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building.

Notice of new buildings.

115. (1) Before beginning to construct any building, or to alter externally or add to any existing building, or to construct or reconstruct any projecting portion of a building in respect of which the municipal council is empowered by section 109 to enforce a removal or set-back, or to construct or reconstruct which the municipal council is empowered by section 108 to give permission, the person intending so to construct, alter, add or reconstruct shall give to the municipal council notice thereof in writing, and shall furnish to it at the same time, if required by a by-law or by special order to do so, a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the municipal council, and all information required by the by-laws or demanded by the municipal council regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, and the purpose for which the building will be used.

(2) Save as otherwise provided in this Regulation or the rules and by-laws thereunder, the municipal council may. **Power of municipal council to pass orders.**

(*a*) either give permission to construct, alter, add or reconstruct according to the plan and information furnished, or

(*b*) impose in writing conditions, in accordance with this Regulation and the rules and by-laws made thereunder, as to level, drainage, sanitation, design, materials or to the dimensions and cubical contents of rooms, doors, windows and apertures for ventilation or to the number of storeys to be erected, or with reference to the location of the building in relation to any existing building or street, existing or projected, or the purpose for which the building is to be used, or

(*c*) direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to its satisfaction.

Provided that the direction in sub-clause (*c*) —

(*i*) shall apply only to buildings on sites not laid out by the municipal council or other competent authority; and

(*ii*) shall not be in force after six months from the date on which the direction is given.

(3) Before issuing any orders under sub-section (2), the municipal council may, within one month from the receipt of such notice, either issue, **Or to suspend the work or to require further particulars.**

(*a*) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) may demand further particulars.

(4) A building proposed in a notice given under sub-section (1) may be proceeded with in such manner, as may have been specified in such notice, as is not inconsistent with any provision of this Regulation or of any by-law for the time being in force thereunder in the following cases, that is to say:— **Right to proceed in certain cases.**

(*a*) in case the municipal council, within one month from the receipt of the notice given under sub-section (1), has neither—

(i) passed orders under sub-section (2) and served notice thereof in respect of the intended work; nor

(ii) issued under sub-section (3) any provisional order or any demand for further particulars;

(*b*) in case the municipal council having issued such demand for, and having received in accordance with the by-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars.

(5) No person who becomes entitled under sub-section (2) or sub-section (4) to proceed with any intended work of which notice is required by sub-section (1), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (4).

(6) Whoever begins or makes any building or alteration or addition without giving the notice required by sub-section (1), or without furnishing the plan or affording the information above prescribed, or except as provided in sub-section (4), without awaiting; or in any manner contrary to such legal orders of the municipal council as may be issued under this section or contrary to the provisions of sub-sections (4) or (5) or in any other respect contrary to the provisions of this Regulation or of any by-law in force thereunder, shall be punished with fine which may extend to two hundred rupees, and the municipal council may—

(*a*) direct that the building, alteration, or addition be stopped, and

(*b*) by written notice, require such building, alteration or addition to be altered or demolished, as it may deem necessary.

(7) The municipal council or any officer deputed by it may at any time inspect the erection of any building without giving notice of its or his intention to do so, and at any time during the erection of a building or the execution of any such work as aforesaid, may by written notice specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provision of this Regulation or of any by-law made under this Regulation at the time in force, and require the person erecting or executing, or who has erected or executed, such building or work, or, if the person who has erected or executed such building or work is not at the time of notice the owner thereof, then the owner of such building or work to cause anything done contrary to any such provision or by-law to be amended,

or to do anything which by any such provision or by-law he may be required to do but which has been omitted.

EXPLANATION.—The expression "to erect a building" throughout this chapter includes—

(*a*) any material alteration, enlargement or re-construction of any building,

(*b*) the conversion into a place as human habitation of any building not originally constructed for human habitation,

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(*d*) the conversion of two or more places of human habitation into a greater number of such places,

(*e*) such alterations of the internal arrangements of a building as affect its drainage, ventilation or other sanitary arrangements, or its security or stability, and

(*f*) the addition of any rooms, buildings or other structures to any building.

And a building so altered, enlarged, re-constructed, converted, or added to, shall, for the purpose of this chapter, be deemed to be a new building.

Power of Government to prohibit the erection of buildings in certain area without permission.

116. (1) Notwithstanding anything contained in section 109, the Government may in the public interest and after consulting the municipal council prohibit by notification published in the Official Gazette, the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf;

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification;

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by it in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall on conviction before a magistrate be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2).

Regulation of huts.

117. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Regulation comes into operation, without giving previous notice to the municipal council and the municipal council may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the municipal council may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to it may seem necessary. If any hut or shed or range or block be built without giving such notice to the municipal council, or otherwise than as required by the municipal council, the municipal council may give written notice to the owner or builder thereof or to the owner or occupier of the land on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the municipal council may think fit.

Improvement of huts.

118. (1) Whenever the municipal council is of opinion that any huts or sheds whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Regulation comes into operation or subsequently erected, are by reason

(*a*) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or

(*b*) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(*c*) of the impracticability of scavenging,

attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the municipal council for that purpose, to take down and remove such hut or shed, or to execute such operations as the municipal council may deem necessary for the avoidance of such risk.

(2) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds, or to execute such operations within the time appointed, the municipal council may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as it may deem necessary to prevent such risk.

(3) If such huts or sheds be pulled down by the municipal council, the municipal council shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the municipal council until the person interested therein shall obtain the order of a competent court for the payment of the same.

Provided always that in case any huts or sheds, existing at the time when the land on which they are situate first became part of a municipality, should be pulled down under this section by order of the municipal council or in pursuance of its notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 191.

(3) *Powers connected with drainage, water works, etc.*

Municipal control over drains, etc.

119. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall be under the survey and control of the municipal council.

(2) All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the municipal council or other person to whom they severally belong, with proper traps, or other coverings or means of ventilation, and the municipal council may by written notice call upon the owner of any such covered sewers, drains, or cesspools to make provision accordingly.

Powers for making drains.

120. (1) In order to carry out any drainage scheme, it shall be lawful for a municipal council to carry any drain, sewer, conduit, tunnel, culvert, pipe or watercourse through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipality.

(2) The municipal council, or any officer appointed by it for such purpose, may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the municipal council has been already constructed, or may repair or alter any drain vested in the municipal council.

(3) In the exercise of any power under this section no unnecessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 191, shall be paid by the municipal council to any person who sustains damage by the exercise of such power.

Sufficient drainage of houses.

121. (1) If any building or land be at any time undrained, or not drained to the satisfaction of the municipal council, the municipal council may by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such building or land into—

(*a*) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(*b*) a covered cesspool to be provided by such owner.

New buildings not to be erected without drains.

(2) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

(*a*) a drain be constructed, of such size, materials and description, at such level, and with such fall, as shall appear to the municipal council to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the municipal council to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage, situated at a distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the municipal council directs.

Power of owners and occupiers of buildings or lands to drain into municipal drains.

122. The owner or occupier of any building or land within the municipality shall be entitled to cause his drains to empty into sewers of the municipal council, provided that he first obtains the written permission of the municipal council, and that he complies with such conditions as the municipal council prescribes as to the mode in which the superintendence under which the communications are to be made between drains not vested in the municipal council and drains which are so vested.

Sewage and rain-water drains to be distinct.

123. Whenever it is provided in this Regulation that steps shall or may be taken for the effectual drainage of any premises, the municipal council may require that there shall be one drain for offensive matter and sewage, and another drain for rain-water and unpolluted subsoil water, each emptying into separate municipal drains or other places set apart by the municipal council for the discharge of drainage or into other suitable places.

Right to carry drain through land or into drain belonging to other persons how and on what conditions to be authorised by municipal council.

124. (1) If the owner or occupier of any building or land proves to the satisfaction of the municipal council that he cannot connect the same with any municipal drain otherwise than by means of a drain to be constructed through land, or to be connected with a drain, belonging to or occupied by or in the use of some other person, the municipal council, after giving to such other person a reasonable opportunity of stating any objection to such application, may, if no objection is raised or if any objection which is raised is in its opinion insufficient, by an order in writing authorise the owner or occupier first mentioned to carry his drain into, through or under the said land, or into the said drain as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the said drains, as may appear to it to be adequate and equitable.

Written order of municipal council authority for execution of necessary work.

(2) Every such order shall be a complete authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose, after giving or tendering to the owner or occupier of the said land or drain the compensation or rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner or occupier reasonable notice in writing, to enter upon the land specified in the said order with assistants and workmen at any time between sunrise and sunset,

and, subject to all the provisions of this Regulation, to do all such work as may be necessary—

(*a*) for the construction or connection of the drain as may be authorised by the said order, or

(*b*) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

Work how to be carried out

125. In executing any work under section 124, as little damage as possible shall be done, and the owner or occupier of the buildings or lands for the benefit of which the work is done, shall

(*a*) cause the work to be executed with the least practicable delay;

(*b*) fill in, reinstate and make good at his own cost and with the least practicable delay the ground or any portion of any building or other construction opened, broken up or removed for the purpose of executing the said work; and

(*c*) pay compensation to any person who sustains damage by the execution of the said work.

Rights of owner of land through which drain is carried, in regard to subsequent building thereon.

126. If the owner of any land into, through or under which a drain has been carried under section 124 whilst such land was unbuilt upon, shall at any subsequent time desire to erect a building thereon, the municipal council may, if it sanctions the erection of such building, by written notice require the owner or occupier of the building or land for the benefit of which such drain was constructed, to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as it may deem to be necessary, in order to admit of the construction or safe enjoyment of the proposed building; and may also, by written notice require the person desiring to erect the building to make such alterations in the location of the building with reference to the drain, or in the details of the construction of the building, and on such terms, as the municipal council may deem to be necessary for the maintenance of the drainage connection.

Provision of privies, etc.,

127. (1) In case the municipal council shall be of opinion that any privy, or cesspool, or additional privies, or cesspools, should be provided in or on any building or land, or, in any municipality in which a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the municipal council may by written

notice call upon the owner of such building or land to provide such privies, cesspools or water-closets as the municipal council may deem proper.

(2) The municipal council may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the municipal council may direct, and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The municipal council may by written notice require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as it may direct any privy door or trap door which opens on to any street, and which it deems to be a nuisance.

Cost of altering, repairing and keeping in proper order privies, etc.

128. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall, unless constructed at the cost of the municipal council, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the municipal council may by written notice require such owner to alter, repair and put the same in good order in such manner as it thinks fit.

(2) The municipal council may by written notice require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Regulation, which in the opinion of the municipal council, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order.

Power to close existing private drains.

129. When any building or land within the municipality has a drain communicating with any cesspool or sewer, the municipal council, if it considers that such drain, though it may be sufficient for the drainage of such building or land, and though it may be otherwise unobjectionable, is not adapted to the general sewerage of the municipality, may close such drain, and such cesspool or sewer, whether it is or is not on land vested in the municipal council, on providing a drain or drains equally effectual for the drainage of such building or land, and the municipal council may do any work necessary for the purpose.

Power in respect of sewers, etc., unauthorisedly constructed, re-built or un-stopped.

130. The municipal council may by written notice require that any sewer, drain, privy, water-closet, housegully or cesspool on any land within municipal limits, constructed or rebuilt or unstopped—

(*a*) after such land became part of a municipality, and

(*b*) either without the consent or contrary to the orders, directions or general regulations or by-laws of the municipal council, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demolished, amended or altered, as it may deem fit, by the person by whom it was so constructed, re-built or unstopped, and every person so constructing, rebuilding or unstopping any such sewer, drain, privy, water-closet housegully or cesspool, whether he does or does not receive such notice, or does or does not comply therewith shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees.

Encroachment on municipal drains, etc.

131. (1) Whoever, without the written consent of the municipal council first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the municipal council, shall be punished with fine which may extend to twenty-five rupees, and the municipal council may by written notice require such person to demolish, alter, re-make or otherwise deal with such drain as it may think fit.

(2) No building shall be newly erected or re-built over any sewer, drain, culvert or gutter vested in the municipal council without the written consent of the municipal council, and the municipal council may by written notice require the person who may have erected or re-built such building to pull down or otherwise deal with the same as it may think fit.

Inspection of drains, etc.

132. (i) The municipal council or any officer appointed by it for such purposes may, subject to the restrictions of this Regulation, inspect any sewer, drain, privy, water closet, housegully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or it may think fit, doing as little damage as may be.

(2) The expense of such inspection, and of causing the ground to be closed and made good as before, shall be borne by the municipal council unless the sewer, drain, privy, water-closet, housegully or cesspool is found to be in bad order or condition, or was constructed in contravention of the provisions of any enactment, or of any by-laws of the municipal council in force at the time, in which case such expenses shall be paid by the owner of such sewer, drain, privy, water-closet, housegully or cesspool, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Expense of inspection when to be borne by the municipal council.

133. (1) The municipal council may, if it thinks fit, cause any work of the nature to which this sub-chapter applies, to be executed by municipal or other agency under its own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

Municipal council may execute certain works under this sub-chapter without allowing option to persons concerned of executing the same.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the municipal council shall, by a general or special order or resolution, sanction, as it is hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

Expenses in such cases by whom to be paid.

(3) Any pipes, fittings, receptacles, or other appliances for or connected with the drainage of private buildings or lands shall, if supplied, constructed or erected at the expense of the municipal council, be deemed to be municipal property, unless the municipal council shall have transferred its interest therein to the owner of such buildings or lands.

134. The water supply department of the Government or the municipal council, as the case may be, in whom the duty of construction and maintenance of water works for supply of water to the municipality vests, shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water mains, pipes and ducts within or without the municipality as the municipal council has and is subject to, under the provisions hereinbefore contained for carrying, renewing and repairing drains within the municipality.

Power of carrying water mains, etc.

(4) *Powers regarding external structures, etc.*

Permission necessary for certain projections.

135. (1) The municipal council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper story thereof, at such height from the surface of the street as the municipal council may fix by by-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to which, and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets.

(2) Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

Removal of projections.

(3) The municipal council may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which

(*a*) overhangs or juts into or in any way projects or encroaches upon, any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(*b*) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof :

Provided always that the municipal council shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the municipal council, make reasonable compensation to every person who suffers damage by such removal or alteration ; and if any dispute shall arise touching the amount of such compensation

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the same shall be ascertained and determined in the manner provided in section 191.

Troughs and pipes for rain water.

136. The municipal council may, by written notice, require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in such manner as it may think fit, so that it shall not fall upon the persons passing along the street or cause damage to the street.

Fixing of brackets, etc. to houses.

137. The municipal council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or subject to the provisions of any law in force relating to electricity, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the law in force relating to telegraphs, for telegraph wires or telephonic wires, or for the conduct of electricity for locomotive or other purposes, or such pipes as it may deem necessary for the proper ventilation of sewers and water-works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any others in the neighbourhood.

Naming streets and numbering houses.

138. (1) The municipal council may from time to time cause to be put up or painted on a conspicuous part of any building at or near each end, corner, or entrance to every street, the name by which such street is to be known and may from time to time fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street.

(2) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the municipal council, and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

Penalty for defacing buildings, etc.

139. Any person

(*a*) who, without the consent of the owner or occupier and in the case of municipal property without the permission in writing of the municipal council, affixes any posting, bill, placard, or other paper or means of advertisement against or upon any building, wall, board, fence or pale, post, lamp-post or the like, or

(*b*) who, without such consent as aforesaid writes upon, soils, defaces or marks any such building, wall, board,

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fence or pale, post, lamp-post or the like with chalk or paint or in any other way whatsoever,
shall be punished with fine which may extend to twenty rupees.

Removal and trimming of hedges, trees, etc.

140. The municipal council may by written notice require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger, or obstruct or which it deems likely to overhang, endanger or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well, or other provision for water-supply as to pollute or be likely to pollute the water thereof.

(5) *Powers for promotion of public health, safety and convenience.*

Ruinous or dangerous buildings.

141. (1) If any building, or anything affixed thereon, be deemed by the municipal council to be in a ruinous state or likely to fall, or in any other way dangerous to any inhabitant of such building, or of any neighbouring building, or to any occupier thereof, or to passengers, the municipal council shall immediately, if it appears to it to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers ; all expenses incurred by the municipal council under this sub-section shall be paid by the owner or occupier of such building, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Action to be taken on default by owner or occupier.

(2) The municipal council shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building or thing affixed thereon, as the case shall require, and if such owner or occupier does not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the municipal council shall cause all or so much of such building or thing, as it shall think necessary, to be taken down, repaired, or otherwise secured.

Proviso if danger is not imminent.

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the municipal council, instead of itself causing a hoarding or fence to be put up, to issue in the first instance a notice in writing

to the owner or occupier to put up a proper hoarding or fence, and in the event of the owner or occupier failing to put up, within two days from the service of such notice, a hoarding or fence which the municipal council considers sufficient in the circumstances of the case, the municipal council shall at once cause such hoarding or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2).

Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.

142. (1) The municipal council may at any time by written notice require that the owner of, or any person who has the control over, any well, stream, channel, tank or other source of water-supply, shall, whether it is private property or not,

(*a*) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(*b*) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(*c*) in such manner as the municipal council prescribes, protect any such source of water-supply from pollution by surface drainage, or

(*d*) within twenty-four hours of such notice, repair, protect or enclose in such manner as the municipal council approves, any such source of water-supply, other than a stream in its natural flow, if for want of sufficient repair, protection or inclosure, such source of water-supply is, in the opinion of the municipal council, dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or shall

(*e*) desist from using and from permitting others to use for drinking purposes any such source of water-supply which not being a stream in its natural flow, is proved to the satisfaction of the municipal council to be unfit for drinking; or

(*f*) if notwithstanding any such notice under clause (*e*) such use continues and cannot, in the opinion of the municipal council, be otherwise prevented, close, either temporarily or permanently, or fill up or enclose or fence in such manner as the municipal council considers sufficient to prevent such use, such source of water-supply as aforesaid; or

(*g*) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the municipal council considers is injurious to health or offensive to the neighbourhood.

Remedy on non-compliance with directions issued.

(2) If the owner or person having control as aforesaid fails or neglects to comply with any such requisitions within the time required by or under the provisions of subsection (1), the municipal council may, and if in its opinion immediate action is necessary to protect the health or safety of any person shall, at once proceed to execute the work required by such notice, and all the expenses incurred therein by the municipal council shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Provided that in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the municipal council or necessarily incurred by such owner or person having such control, may, if the municipal council so directs, be paid from the municipal fund.

Displacing pavements, etc.

143. (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter, flags, or other materials, of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the municipal council or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

Penalty for failure to replace after notice.

(2) Any person who, having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fences, walls, posts, municipal lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property of any public street, fails to replace or restore the same to the satisfaction of the municipal council after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Obstructions and encroachments upon public streets and open spaces.

144. (1) Whoever in any place after it has become a municipality shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure or thing, or other encroachment or obstruction except steps over drains in any public street, or shall deposit or cause

to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street, shall be punished with fine which may extend to twenty-five rupees.

(2) The municipal council shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipal council or not, provided that if the space be vested in the Government, the permission of the Deputy Commissioner shall have first been obtained, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand, or other material from, or makes any encroachment in or upon, any open space which is not private property, shall be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine which may extend to ten rupees for every day on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in this section shall prevent the municipal council from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days, and in such manner, as not to inconvenience the public or any individual.

(5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 135 or in any case where permission has been given under sub-section (4) of this section.

Hoardings to be set up during repairs, etc.

145. (1) Every person intending to build or take down any building, or to alter or repair the outward part of any building, in such a position or in such circumstances as that the work is likely to cause or may cause obstruction danger or inconvenience in any street, shall before beginning such work

(*a*) first obtain a license in writing from the municipal council so to do, and

(*b*) cause sufficient hoardings or fences to be put up in order to separate the building where such works are being carried on from the street, and shall maintain

such hoardings or fence standing and in good condition to the satisfaction of the municipal council during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the municipal council.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Provision of facilities when work is executed in public street

146. (1) When any work is being executed by the municipal council in any public street it shall, so far as may reasonably be practicable, make adequate provision for—

(*a*) the passage or diverson of traffic;

(*b*) proper access to all premises approached from such street; and

(*c*) any drainage, water-supply, or means of lighting which are interrupted by reason of the execution of such work.

Fencing and lighting during repairs, etc.

(2) The municipal council shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in it, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains or posts to be fixed across or in any of the streets, to prevent the passage of carriages, carts, or other vehicles or of cattle or horses, while such works are carried on, as to it shall seem proper; and the municipal council shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be lighted with a sufficient light and guarded during the night.

(3) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the municipal council, shall be punished with fine which may extend to fifty rupees.

Timber not to be deposited or hole made in a street without permission.

147. (1) No person shall, without the written permission of the municipal council or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street, or erect or deposit thereon any timber, stone, brick, earth or other material that has been, or is intended to be, used for building; and such permission shall be terminable at the discretion of the

municipal council; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the municipal council, and shall cause the same to be sufficiently lighted during the night.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Dangerous quarrying.

148. If in the opinion of the municipal council the working of any quarry, or the removal of stone, earth or other material from the soil in any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof, or creates or is likely to create a nuisance, the municipal council may, by written notice, require the owner of the said quarry or place, or the person responsible for such working or removal not to continue or permit the working of such quarry or the removing of such material, or to take such order with such quarry or place as the municipal council shall direct for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Provided that if such quarry or place is vested in the Government, or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of the Government, or any person acting with the permission or under the authority of the Government or of any officer of the Government acting as such, the municipal council shall not take such action unless and until the Deputy Commissioner has consented to its so doing.

Provided further that the municipal council shall immediately cause a proper hoarding or fence to be put up for the protection of passengers near such quarry or place, if in any case referred to in this section it appears to it to be necessary in order to prevent imminent danger, and any expense incurred by the municipal council in taking action under this section shall be paid by such owner or other person as aforesaid, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Provision as to dogs.

149. (1) The municipal council may by public notice require that every dog while in the streets and not being led by some person shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.

(2) Subject to the provisions of sub-section (3), the municipal council may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has provided a proper muzzle for it and has paid all the expenses of its detention, or cause it to be destroyed.

(3) When a dog which has been detained under the last preceding sub-section is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for three clear days; provided that any dog, which is found to be rabid may be destroyed at any time.

(4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of three clear days.

(5) All expenses incurred by the municipal council under this section may be recovered from the owner of any dog which has been taken possession of or detained, in the manner provided by chapter VIII.

(6) *Powers for the prevention of nuisance.*

Depositing dust, etc.

150. (1) Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, garden, kitchen or stable refuse or filth of any kind, or any animal matter or any broken glass or earthen-ware or other rubbish or any other thing that is or may be a nuisance, in any street or in any arch under a s reet or in any drain beside a street or on any open space or on the bank of any river, water-course or nullah, except a such places, in such manner, and at such hours as shall be fixed by the municipal council, and whoever commits or suffers any member of his family to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever throws or puts or causes or suffers any member of his family or household to throw or put

any of the matter above described, or, except with the permission of the municipal council, any night soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

Discharging sewage, etc.

151. Whoever causes or allows the water of any sink or sewer or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the municipal council, or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees.

Non-removal of filth, etc.

152. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction.

Removal of night-soil.

153. (1) The municipal council may from time to time fix the hours within which only it shall be lawful to remove any night-soil or other such offensive matter.

(2) Whoever,

(*a*) when the municipal council has fixed such hours, and given public notice thereof by beat of drum, removes, or causes to be removed, along any street any such offensive matter at any time except within the hours so fixed, or

(*b*) at any time, whether such hours have been fixed by the municipal council or not,

(i) uses for any such purpose any cart, carriage receptacle or vessel not having a covering proper for preventing the escape of the contents thereof and of the stench therefrom, or

(ii) wilfully or negligently slops or spills any such offensive matter in the removal thereof, or

(iii) does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or

(iv) places or sets down in any public place any vessel containing such offensive matter, or

(v) drives or takes or causes to be driven or taken any cart, carriage receptacle or vessel used for any such purpose as aforesaid through any street or by any route, other than such as shall from time to time be appointed for that purpose by the municipal council by public notice,

shall be punished with fine which may extend to twenty-five rupees.

Filthy buildings, etc.

154. (1) Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or in the opinion of the municipal council a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the municipal council to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction.

(2) Should the state of the building be such as in the judgment of the municipal council to render it unfit for human habitation, it may further by written notice prohibit the using thereof for that purpose until it is so rendered fit.

Deserted and offensive buildings.

(3) If any building, by reason of dilapidation, neglect, abandonment, disuse or disputed ownership, or of its remaining untenanted and thereby

(a) becoming a resort of idle and disorderly persons or of persons who have no ostensible

means of subsistence, or who cannot give a satisfactory account of themselves, or

(*b*) coming into use for any insanitary or immoral purpose, or

(*c*) affording a shelter to snakes, rats or other dangerous or offensive animals,

is open to the objection that it is a nuisance, or so unwholesome or unsightly as to be a source of discomfort, inconvenience or annoyance to the neighbourhood or to persons passing by such building, the municipal council if it considers such objection cannot under any other provision of this Regulation, be otherwise removed, may, if there is any person known or resident within the municipality who claims to be the owner of such building, by written notice directed to such person, require such person, or in any other case by written notice fixed on the door or any other conspicuous part of the building require all persons claiming to be interested in such building, within a period which shall be specified in the notice and shall not be less than seven days from the date of such notice, to cause such building to be taken down and the materials thereof, to be removed; and in the event of non-compliance with such requirement, the municipal council, on the expiration of the period specified as aforesaid, may forthwith cause the building to be taken down and the materials to be removed, and may sell such materials and apply the proceeds to defray any expenses incurred by it in so doing; and all such expenses not thereby defrayed shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Buildings or rooms in buildings unfit for human habitation.

155. If, for any reason, it shall appear to the municipal council that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, the municipal council shall give to the owner or occupier of such building notice in writing, stating such reason, and signifying its intention to prohibit the further use of the building or room, as the case may be, as a dwelling, unless such improvements as are specified in the notice are executed within a reasonable time and shall in such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice; and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the municipal council invalid or insufficient, the municipal council may

by an order in writing prohibit the further use of such building or room as a dwelling and may withdraw such prohibition for proper reasons.

Power to enter and inspect, etc., buildings.

156. It shall be lawful for the president, vice-president, or any councillor or officer authorised by the municipal council in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands, and by written notice to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed for sanitary reasons.

157. (1) The municipal council may set apart sufficient public places for the purpose of being used as bathing places, and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in; and may also set apart tanks or reservoirs or runs of water for washing animals or clothes, and for all purposes connected with the health, cleanliness and comfort of the inhabitants, and may prohibit the use for any purpose mentioned in this section, of any or all other public places within the municipality.

(2) Copies of all orders passed and notices issued by the municipal council and for the time being in force under this section, shall be kept at the municipal office and shall be open for inspection by the public at all reasonable times.

Fouling water.

158. (*a*) Whoever, in disobedience of any order of the municipal council under section 157 or of any by-law, bathes in any stream, pool, tank, reservoir, well, cistern, conduit and aqueduct belonging to the municipal council, or washes, or causes to be washed therein any animal or anything, whatever, or throws, puts or casts or causes to enter therein any animal or anything, or causes or suffers to run, drain or be brought thereinto anything that is, or may become, a nuisance, or does anything whatsoever whereby any water therein shall be in any degree fouled or corrupted, and

(*b*) whoever, without permission of the municipal council, steeps in any tank, stream, or ditch within, or on the boundary of the municipality, any animal, vegetable or mineral matter likely to render the water of such tank, stream or ditch offensive or a nuisance, shall be punished with fine which may extend to fifty rupees.

Abatement of nuisances from wells, etc.

159. (1) If in the opinion of the municipal council—

(*a*) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course, or any collection of water, or

(*b*) any cistern or other receptacle for water whether within or outside a building, or

(*c*) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling house,

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the municipal council may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with such materials as the municipal council shall prescribe, or to take such order with the same for removing or abating the nuisance as the municipal council shall prescribe.

(2) (*a*) No new tank or pond shall be dug or constructed without the previous permission in writing of the municipal council.

(*b*) If any such work is begun or completed without such permission, the municipal council may either—

(*i*) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the municipal council shall prescribe ; or

(*ii*) grant written permission to retain such work ; but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (*a*) of this sub-section.

Regulation or prohibition of certain kinds of cultivation.

160. The municipal council on the report of the Director of health, the health officer, or the local medical officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the municipality is injurious to the public health may, with the previous sanction of the Government, by public notice regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious :

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested, for any damage caused to them by absolute prohibition.

Using offensive manure, etc.

161. Whoever, except with the written permission of the municipal council, and in the way, if any, enjoined in such permission, stores or uses night-soil or other manure or substance emitting an offensive smell, shall be punished with fine which may extend to twenty-five rupees.

Tethering cattle, etc.

162. (1) Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees.

Keeping swine.

(2) Whoever keeps any swine so as to be a nuisance shall be punished with fine which may extend to ten rupees.

Feeding animals on filth.

163. Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable refuse, filth, or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees.

Licensing of goats and pigs.

164. Within such limits as the municipal council, may direct, no person shall keep more than five pigs or more than ten goats without a license from the municipal council. The municipal council may charge an annual fee not exceeding two rupees for such license and may impose such conditions in respect of such license as it may think necessary. Whoever keeps any pigs or goats contrary to the provisions of this sub-section shall be punishable with fine which may extend to twenty-five rupees.

Consumption of smoke.

165. (1) It shall be lawful for the municipal Council to direct by public notice that every furnace employed, or to be employed, in any works or buildings used for the purpose of any trade or manufacture whatsoever within the limits of the municipality, whether a steam-engine be or be not used or employed therein, shall in all cases, be constructed, supplemented or altered so as to consume or burn, or reduce as far as may be practicable, the smoke arising from such furnace.

(2) If any person shall after such direction use, or permit to be used, any such furnace not so constructed, supplemented, or altered, or shall so negligently use, or permit to be used, any such furnace as that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, every person so offending, being the owner or occupier of the said works or buildings or, being an agent or other person employed by such owner or occupier for managing the same, shall be punished with fine which may extend to fifty rupees, and upon any subsequent conviction to five hundred rupees.

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or for the repair of roads.

Licenses to be taken for burning bricks.

166. (1) It shall be lawful for the municipal council to publish by a notification in the Official Gazette that no place within municipal limits shall be used for burning bricks without a license from the municipal council and except in accordance with the conditions specified therein;

Provided that no such notification shall take effect until sixty days from the date of publication.

(2) Any person who, after the publication of such notification, wishes to use such place for such purpose shall apply to the municipal council for a license therefor.

(3) The municipal council may by an order and under such restrictions as it thinks fit, grant or refuse to grant such license.

(4) Every such license shall expire on such date as may be specified therein.

(7) *Regulation of markets, sale of food, etc.*

Licensing markets, slaughter-houses and certain business.

167. (1) It shall be lawful for the municipal council to direct that no place not belonging to or vested in the municipal council shall be used for any of the purposes specified in sub-clauses (i), (ii), and (iv) to (vi) of clause (*b*) of sub-section (1) of section 51 except under and in accordance with the conditions of a license from the municipal council which may at its discretion from time to time grant, suspend, withhold or withdraw such licenses either generally or in individual cases.

(2) Whoever uses or permits the use of any place contrary to such direction, or without the license required as aforesaid, or in contravention of any of the conditions or during the suspension or after the withdrawal of such license, shall be punished with fine which may extend to twenty-five rupees.

(3) Upon a conviction being obtained in respect of any place under sub-section (2) of this section, the magistrate shall, on the application of the municipal council but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used; and every person who so uses or permits the use of a place after it has been so ordered to be closed, shall be punished with a fine which may extend to five rupees for

each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

Opening, closing, and letting of markets and slaughter-houses.

168. (1) The municipal council may from time to time open or close any public market or slaughter-house. It may also either take stallage or other rents or fees for the use by any person of any such market or slaughter-house or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughterhouse.

(2) Any person who, without the permission or license of the municipal council, shall sell or expose for sale any article in the said markets, or use the said slaughter-houses, shall be punished with fine which may extend to twenty-five rupees.

(3) It shall be lawful for the municipal council to lease for a period not exceeding one year at a time by public auction or private contract the collecting of any rent or fees which may be imposed under sub-section (1).

Slaughter-houses, etc., beyond municipal limits.

169. It shall be lawful for the municipal council, with the sanction of the Deputy Commissioner, to establish slaughter-houses, or places for the disposal of carcasses of animals, beyond the limits of the municipality, and all provisions of this Regulation and of by-laws in force thereunder relating to such places within municipal limits shall have full force therein, as if such places were within the municipal limits.

Registry for shops for sale of European drugs.

170. (1) No shop or place shall be kept for the retail sale of drugs recognised by the British Fharmacopœia, not being also articles of ordinary domestic consumption, unless the same is registered in the office of the municipal council within two months after the commencement of this Regulation or if the shop or place is established after the commencement of this Regulation then, within two months from the date of its establishment. Any keeper of such shop or place failing to so register the same shall be liable to a fine not exceeding one hundred rupees. The municipal council, shall, upon payment of such fees as may be prescribed in this behalf, register such shop or place in a book kept for the purpose and grant the keeper of the shop or place a license which shall be displayed in some conspicuous part of the premises registered.

Certificated dispensers.

(2) No person shall compound, mix, prepare, dispense or sell any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with the duties prescribed in this behalf; and every such

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person shall be bound to produce his certificate for inspection when required to do so by a magistrate, a medical officer not below the rank of an assistant surgeon or the health officer of the municipality.

Provided that the provisions of this sub-section shall not come into operation in any municipality until after the expiration of a period of six months from the publication of a notification by the Government in the Official Gazette extending the same to such municipality.

(3) Nothing in this section contained shall be construed to apply to the sale of drugs used by practitioners of indigenous systems of medicine whether recognised by the British Pharmacopœia or not, when such drugs are not sold in a shop or place where medicines recognized by such Pharmacopœia are dispensed upon prescription.

Uncertificated person dispensing drugs.

171. (1) Whoever, within a municipality, not being the holder of such certificate as is mentioned in sub-section (2) of section 170 shall compound, mix, prepare or sell any drugs, shall, on conviction before a magistrate, be liable to a fine not exceeding fifty rupees for each offence; and any owner, occupier or keeper of any such shop or place who shall employ any such uncertificated person to perform any one or more of such duties, shall, on conviction before a magistrate, be liable to a fine not exceeding two hundred rupees and shall be further liable at the discretion of such magistrate to forfeit his license.

(2) Whoever, being the holder of such a certificate as is mentioned in sub-section (2) of section 170 fails to produce the same for inspection when called upon to do so by any of the officers mentioned in the said sub-section shall, on conviction before a magistrate, be liable to a fine not exceeding ten rupees.

Provided that this section shall not come into operation until after the expiration of a period of six months from the publication of a notification to that effect in the Official Gazette by the Government.

Unwholesome articles of food and drink.

172. (1) The president, vice-president or any councillor or officer authorised by the municipal council in this behalf—

(*a*) may at all reasonable times enter into any place for the purpose of inspecting, and may inspect, any animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter or other articles intended for human food or drink or for medicine, whether exposed or hawked about for sale, or deposited in,

or brought to, any place for the purpose of sale, or of preparation for sale, or may enter into and inspect any place used as a slaughter-house, and may examine anything which may be therein ; and

(*b*) in case any such animals, carcasses, or other articles before mentioned appear to be diseased or unsound or unwholesome or unfit for human food or drink or medicine, may seize the same.

Any article which is of a perishable nature may, under the orders of the president, vice-president or chairman of the managing committee or of a committee appointed under section 31, to exercise all or any of the powers vested in the municipal council under this sub-chapter, or of the municipal commissioner, if any; if in his opinion it is diseased, unsound, unwholesome or unfit for food, drink or medicine, forthwith be destroyed.

Every animal and every article which is not of a perishable nature, if seized as aforesaid, shall be taken before a magistrate.

If it appear to the magistrate upon sufficient evidence that any such article is diseased or unsound or unwholesome or unfit for human food, drink or medicine, the owner or person in whose possession it was found, not being merely bailee or carrier thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees, and the magistrate shall cause such article to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink or medicine.

Adulterated articles for food or drink.

(2) If any article intended for food or drink is in any place mentioned in sub-section (1), the president, vice-president, or officer authorised as aforesaid, in case such article appears not to be what it is represented to be, may seize the same, and if it appears to a magistrate upon sufficient evidence that such article is not what it is represented to be, such magistrate may order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink and the owner not being merely carrier or bailee thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees.

EXPLANATION.—If such article having been exposed or stored in or brought to any place mentioned in sub-section (1) for sale as ghee, contains any substance not

exclusively derived from milk, it shall be deemed to be for the purposes of this sub-section, an article which is not what it is represented to be.

Protection to persons acting in good faith.

Provided that when any article of food or drink referred to in this sub-section appears to the magistrate not to be what it is represented to be, solely by reason of the fact that there has been added to it some substance not injurious to health, no offence shall be deemed to have been committed by the owner of the article or the person in whose possession the same is found, if such owner or person proves to the satisfaction of the magistrate—

(*a*) that such substance has been added to the article of food or drink, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or of drink or conceal the inferior quality thereof; or

(*b*) that in the process of production, preparation or conveyance of such article of food or drink the extraneous substance has unavoidably come intermixed therewith, or

(*c*) that, by a label distinctly and legibly written or printed on or with the said article of food or drink or by other means of public description, he has given sufficient notice that such substance has been so added, or

(*d*) that—

(i) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(ii) he had no reason to believe that it was not of such nature, substance and quality as aforesaid, and

(iii) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it.

(3) It will be open to a municipal council, subject to the approval of the Government, to set apart any stall or specified locality for the sale of ghee and in such stall or specified locality, no ghee shall be sold or exposed for sale that is adulterated with any other substance.

Whoever sells or exposes for sale adulterated ghee in any stall or locality so set apart shall, on conviction before a magistrate be punished with fine which may extend to one hundred rupees and the magistrate may cause such

ghee to be destroyed or to be so disposed of as to prevent its being exposed for sale in such stall or locality.

Application for summons to be refused, if not applied for within reasonable time

(4) In all prosecutions under this section the magistrate shall refuse to issue a summons for the attendance of any person accused of any offence against its provisions unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

False weights and measures and instruments for weighing.

173. The president, vice-president, chief officer and health officer or any councillor or officer authorised by the municipal council in this behalf, may at all reasonable times enter into any place used for the sale of articles used for human food or drink or for medicine, and inspect the instruments for weighing and the weights and measures in use; and if the person in charge be found in possession of any false or defective weights or measures, or of weights or measures or of any instruments for weighing by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty rupees.

(8) *Prevention of dangerous diseases.*

Power which may at any time be exercised.

174. (1) Every municipal council may, subject to such limitations, restrictions and conditions, if any, as may be prescribed in this behalf, exercise all or any of the powers specified in sub-section (2) for prevention of dangerous diseases.

(2) The powers, which may be exercised under the preceding sub-section are:—

(*a*) power by orders, which may be either of special or general application, to direct that every medical practitioner who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the municipal council in that behalf;

(*b*) power to direct or authorise the inspection, without notice, or with such notice as to the person directed or authorised to inspect appears reasonable, of any place in which any dangerous disease is reported or suspected to

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exist and the taking of measures to prevent the spread of the disease beyond such place;

(*c*) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place, which may appear to the municipal council, on the advice of the medical officer, likely to engender or cause the spread of any dangerous disease;

(*d*) power to direct or cause the removal, on a certificate signed by the health officer of the municipal council or any duly qualified medical practitioner authorised by the municipal council in this behalf, of any person who is without proper lodging or accommodation, or who is lodged in a room or set of apartments occupied by more than one family, or in a place where his presence may be a danger to the neighbourhood, and who is suffering from a dangerous disease, to any hospital or place at which persons suffering from the said disease are received for medical treatment; and to prohibit the person so removed from leaving such hospital or place without the permission of the municipal council;

(*e*) power to require by written notice the owner or occupier of any building, or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or in case of poverty, or for other cause which the municipal council in the circumstances of the case considers reasonable, at the expense of the municipal council;

(*f*) power to provide the means, and to prescribe places, for disinfecting or washing, bedding or other articles which have been exposed to infection from any dangerous disease, and to direct the destruction thereof;

(*g*) power—

(i) to provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease, and

(ii) when such provision is made, to prohibit the conveyance of such persons in all or any public conveyances, and

(iii) to direct that any conveyances that may at any time be used for conveying any such person shall be immediately disinfected;

(*h*) power to prohibit—

(i) any person suffering from any dangerous disease from wilfully exposing himself, without proper precautions against spreading the

said disease, in any street or in any school or factory, or in any inn, dharmasala, theatre, market or other place of public resort, or

(ii) any person in charge of any person so suffering from so exposing such sufferer;

(i) power to prohibit any person from removing to another place, or transferring to another person, except for the purpose of disinfection, any article which the person prohibited knows, or has reason to believe, has been exposed to infection of any kind whatsoever from any dangerous disease;

(j) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmasala, chattram or musafirkhana in which a person has, or in which there is reason to believe that a person has, been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the municipal council or of such officer as the municipal council appoints in this behalf;

(k) power, with the previous permission in each case of a magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from dangerous disease.

(3) The municipal council may, in its discretion give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the municipal council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penalties for disobedience of an order passed in exercise of such powers.

(4) Any person who in a municipality disobeys any order which is for the time being in force therein, and which has been passed by the municipal council in exercise of any power conferred on such municipal council by this section, or obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out executively any such order, shall be punished with fine which may extend to two hundred rupees.

Duties of municipal council on threatened or actual outbreak of dangerous disease.

175. (1) In the event of the municipality or any part thereof being at any time threatened or visited with an outbreak of any dangerous disease, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing such outbreak.

(2) In such event as aforesaid the Government may, by special notification, declaring that such municipality is threatened or visited with an outbreak of a dangerous disease, confer on the municipal council all or any of the powers specified in the following sub-section, and such municipal council shall, subject to such limitations, restrictions and conditions, if any, as the Government in the same or in any subsequent notification may prescribe, exercise every such power so conferred on it until the same is withdrawn by means of a like notification.

(3) The powers, all or any of which may be conferred under the preceding sub-section, are—

(*a*) power to order, subject to the conditions,

(i) that the permission of a magistrate exercising not less than second class powers shall be in each case first obtained, and

(ii) that accommodation for all persons to whom the order refers is available, or shall be provided, elsewhere,

the evacuation of an infected building used as a dwelling, or of any part thereof, or of any building so used adjacent to such building, by the person or persons residing, whether habitually or temporarily, therein ;

(*b*) power to direct the examination by a medical officer of persons and, if necessary the disinfection of the clothing, bedding or other suspicious articles belonging to persons, either arriving from places outside the municipality or residing in any infected building or building adjacent to any infected building, and to direct that any such person shall give his address and present himself daily for medical examination at such time and places as may be prescribed, for a period not exceeding ten days.

(*c*) power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances, or for any purpose, if in the opinion, recorded in writing, of the civil surgeon, or other senior medical officer of the district or other medical officer appointed by the Government in this behalf, such assemblages in such place, in such circumstances or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

(4) The municipal council may, in its discretion, give compensation to any person who sustains substantial

loss by the destruction of any property under this section; but except as allowed byt he municipal council no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penal clauses.

(5) If, in any municipality in which such declaration under sub-section (2) as aforesaid is for the time being in force, any person—

(*a*) knowingly disobeys any order which for the time being is in force in such municipality and which has been passed by the municipal council in exercise of any power conferred on it by section 174 or under this section, or

(*b*) obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out executively any such order,

such person shall be punished with fine which may extend to one thousand rupees.

Withdrawal and modification of powers and orders.

176. (1) The Government may at any time—

(*a*) withdraw any power conferred by or under sections 174 and 175;

(*b*) cancel or modify any limitation, restriction or condition prescribed in respect of any such power; or

(*c*) cancel any order passed by a municipal council in exercise of any such power.

(2) Every order passed by a municipal council in exercise of any such power as aforesaid shall, on the withdrawal of such power, cease to be in force in the municipality.

Duties of municipal council in respect of disease among horses dogs, cattle, sheep or goats.

177. If in any municipality any infectious disease amongst horses, dogs, cattle, sheep or goats breaks out, or if the introduction of any such disease appears to be likely, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof.

Proceedings to abate the overcrowding of the interiors of buildings.

178. (1) Whenever the municipal council considers the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the municipal council may cause proceedings to be taken before a magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

Procedure of magistrate.

(2) Such magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further enquiry, if any, as may appear to such magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(3) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purpose of this sub-section, be deemed to be the owner of the building.

(4) It shall be incumbent on any owner to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who after the date specified in any requisition issued under sub-section (2) permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.

Special powers which may be conferred by Government in respect of overcrowded areas notified by Government.

179. (1) If the Government is of opinion that risk of disease has arisen or is likely to arise, either to any occupier in, or to any inhabitants in the neighbourhood of, any area by reason of any of the following defects, namely—

(*a*) the manner in which either buildings, or blocks of buildings, already existing or projected therein, are, or are likely to become, crowded together, or

(*b*) the impracticability of cleansing any such buildings, or blocks of buildings already existing or projected, or

(*c*) the want of drainage or scavenging, or the difficulty of arranging therein, for the drainage

or scavenging of any such buildings or blocks or area as aforesaid, or

(*d*) the narrowness, closeness, bad arrangement or bad condition of the streets or buildings or groups of buildings,

the Government may by notification confer on the municipal council, to which such area is subject, all or any of the powers specified in sub-section (2) and the municipal council may, subject to the limitations, restrictions, modifications, conditions or regulations, if any, prescribed in this behalf, exercise within that area all powers so conferred, unless and until those powers, are withdrawn by a subsequent notification of the Government.

(2) The powers all or any of which may be conferred on a municipal council under sub-section (1), are as follows :—

(*a*) power, when any building or block, already existing or in course of erection, by reason of any defect specified in sub-section (1), has given or is in the opinion of the municipal council likely to give rise to such risk as aforesaid, to require by a written notice, to be fixed upon some conspicuous part of such building or block and addressed as the municipal council deems fit either to the owners thereof or to the owners of the land on which such buildng or block is erected or is in course of erection, that the persons so addressed shall within a reasonable time as shall be specified in the notice, either pull down or remove the said building or block, or execute such works or take such action in connection therewith as the municipal council deems necessary to prevent all such risk of disease ;

(*b*) power by municipal or other agency, to pull down or remove the said building or block, or to execute such works or take such action, if the persons addressed in the said notice neglect so to do within the time specified therein ;

(*c*) power, subject to a right of appeal to an officer who may be empowered by the Government in this behalf and whose decision shall be

conclusive, to prohibit by written notice addressed to the owner and occupier of any such site or space and by general notice published in the manner provided in sub-section (3) of section 185, the erection of any building or of any building exceeding such dimensions as may be specified;

(i) on the site of any building which has in whole or in part in exercise of the power specified in clause (*a*) been pulled down, or

(ii) on any space not occupied by buildings whether such space is private property or not, and whether it is enclosed or not,

if the municipal council considers that in order to prevent such risk as aforesaid such site or space should not be built upon and either

(*a*) to acquire such site or space, or

(*b*) to prescribe such conditions as may be deemed necessary as to the use which the owner or occupier may make or permit to be made thereof.

Provided that in every case compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section 191 shall be paid to any person whose rights are affected by such prohibition.

(3) When in pursuance of any notice under sub-section (2), any building has been pulled down, the municipal council shall, unless it has been erected contrary to any provision of this Regulation or of any by-law in force thereunder, pay to such owner or occupier as may have sustained damage thereby, reasonable compensation, the amount of which shall, in case of dispute, be ascertained or determined in the manner provided in section 191.

Closing places for disposal of the dead.

180. (1) If the municipal council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, it may submit its opinion with the reasons therefor to the Government, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(2) A copy of the said notification together with a translation thereof in Kannada shall be published in the Official Gazette, and shall be posted up at the municipal office and in one or more conspicuous spots on or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees.

(9) *Nuisances from certain trades and occupations.*

Regulation of certain trades.

181. (1) If it be shown to the satisfaction of the municipal council that any building or place used or intended by any person to be used—

(*a*) for boiling or storing offal, blood, bones or rags;
(*b*) for salting, curing and storing fish;
(*c*) for storing hides, horns or skins;
(*d*) for tanning;
(*e*) for the manufacture of leather or leather goods;
(*f*) for dyeing;
(*g*) for melting tallow or sulphur;
(*h*) for washing or drying wool or hair;
(*i*) as a brick, pottery or lime kiln;
(*j*) for soap-making;
(*k*) for oil-boiling;
(*l*) as a manufactory of sago;
(*m*) as a distillery;
(*n*) for storing hay, straw, fodder, wood, coal or other combustible material;
(*o*) as a quarry;
(*p*) as a cart-stand;
(*q*) for storing grain for trade purposes;
(*r*) as a manufactory or place of business of any other kind, from which offensive or unwholesome smells, fumes or soot or dust arise, or which may involve risk of fire,

is or is likely by reason of such use and of its situation to become a nuisance to the neighbourhood, or is so used or is so situated as to be likely to be dangerous to life, health or property, the municipal council may by written notice require the owner or occupier—

(i) at once to discontinue the use of, or at once to desist from carrying out, or allowing to be carried out, the intention so to use, such place, or

(ii) to use it in such manner, or after such structural alterations, as the municipal council in such notice prescribes, so that it may not become or may be no longer, a nuisance or dangerous.

Liability to penalty after notice.

(2) Whoever, after notice has been given under sub-section (1), uses any place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous to life, health or property shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day on which such use or permission of use is continued after the date of the first conviction.

(3) Upon a conviction being obtained under this section the magistrate shall, on the application of the municipal council, but not otherwise, order such place to be closed, and thereupon appoint persons, or take other steps to prevent such place being used for any purpose mentioned in sub-section (1).

Penalty for unlicensed places in a municipality in which by-laws under section 51 (1) (b) (iii) are in force.

(4) Whoever uses without a license, or during the suspension or after the withdrawal of a license, any place for any purpose mentioned in sub-section (1) in any municipality in which by-laws are for the time being in force prescribing the conditions on and subject to which, the circumstances in which and the areas and localities in respect of which, licenses for such use may be granted, refused, suspended and withdrawn, shall be punished with fine which may extend to fifty rupees and with further fine which may extend to ten rupees for every day on which such use is continued after the date of first conviction.

Factories in crowded localities.

182. (1) In any municipality to which by a notification in the Official Gazette this section is made to apply by the Government, no person shall establish in any premises, any factory as defined in the Mysore Factories Regulation, 1914, without the previous written permission of the municipal council.

(2) The municipal council may refuse to give such permission if it be of opinion that the establishment of such factory in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the terms of any by-laws framed in this behalf.

(3) Whoever establishes in any premises, any factory as aforesaid without or after the refusal of such permission, or in contravention of the terms of any by-laws framed in this behalf, shall be punished with fine which may extend to two hundred rupees.

Use of siren or whistle for summoning or dismissing workmen.

183. (1) No person shall use or employ in any factory, or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the municipal council.

(2) The municipal council may grant such license subject to such conditions as it may deem fit and may at any time withdraw such license on giving one month's notice to the licensee.

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without or in contravention of any of the conditions of or after the withdrawal of such license, shall be punished with fine which may extend to fifty rupees.

Brothels.

184. In any municipality to which, on the application of the municipal council, the Government may by notification have declared this section to apply, any magistrate of the first class on receiving information that a house within the limits of such municipality is used as a brothel, may summon the owner or occupier of such house, and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it and if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day, thereafter that the house shall be so used.

Provided that action under this section shall be taken only—

(*a*) with the sanction or by the order of the District Magistrate, or

(*b*) on the complaint of three or more inhabitants of the municipality residing in the vicinity of the house to which the complaint refers.

(10) *Service of notices and penalties on non-compliance therewith.*

Service of notices, etc., addressed to individuals.

185. (1) The service of every notice, and the presentation of every bill under this Regulation, on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for therein, be effected by a municipal officer or servant or other person authorised by the municipal council in this behalf—

(*a*) by giving or tendering the notice or bill to the person to whom it is addressed; or

(*b*) if such person is not found, by leaving the notice or bill at his last known place of abode with, or by giving or tendering the notice or bill to, some adult male member or servant of his family; or

(*c*) if such person does not reside within the municipal limits, and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post, under cover bearing the said address; or

(*d*) if none of the means aforesaid be available, then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

Service of notices, etc., on owners and occupiers of buildings and lands.

(2) When any notice or bill under this Regulation is required or permitted by or under this Regulation to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Regulation, shall be effected either—

(*a*) by giving or tendering the notice or bill to the owner or occupier, or if there be more owners or occupiers than one, to any one of them; or

(*b*) if no such owner or occupier be found, then by giving or tendering the notice or bill to some male adult member or servant of the family of any such owner or occupier as aforesaid; or

(c) if none of the means aforesaid be available, then by causing the notice or bill to be fixed on some conspicuous part of the building or land to which the same relates.

Public and general notices how to be published.

(3) Every notice which this Regulation requires or empowers a municipal council to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period, and in such other public buildings and places, or is published in such local paper or in such other manner, as the municipal council in by-laws in this behalf prescribes.

Defective form not to invalidate notice or bill. Execution of acts required to be done by any notice.

(4) No notice or bill shall be invalid for defect of form.

(5) When any notice under this chapter requires any act to be done for which no time is fixed by this Regulation, the notice shall fix a reasonable time for doing the same.

(6) In the event of non-compliance with the terms of the notice it shall be lawful for the municipal council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the municipal council shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 192.

Punishment for disobedience to orders and notices not punishable under any other section

186. Whoever disobeys or fails to comply, with any lawful direction given by any written notice issued by a municipal council under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by the municipal council under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction:

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Regulation, it shall rest with the magistrate to determine whether the time so fixed was reasonable time within the meaning of this Regulation.

Municipal council in default of owner or occupier may execute work and recover expense.

187. (1) Whenever, under the provisions of this Regulation, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the municipal council, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Regulation, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII either in one sum or by instalments as to the municipal council may seem fit.

Provided that—

Agreement for construction of drainage and water-connections.

(*a*) Whenever any drainage scheme or water works scheme has been commenced by any municipal council, it shall be lawful for the municipal council, without prejudice to its powers under sub-section (1) or section 121 or any other provision of this Regulation, to make a special agreement with the owner of any building or land as to the manner in which the drainage or water-connection thereof shall be carried out, and the pecuniary or other assistance, if any, which the municipal council shall render, and any payment agreed upon by the owner shall be recovered in accordance with the terms of such agreement, or in default, in the manner described in sub-sections (2) and (3).

Provided also that

Improvement expenses.

(*b*) when an order has been passed under sub-section (1) of section 105, sub-section (1) of section 107, sub-section (2) or (7) of section 115 or under sections 119, 121, 127 or 128, or when permission has been given under section 122 or when an agreement has been made under proviso (*a*) of this sub-section, the municipal council may without prejudice to any other powers under this Regulation, if it thinks fit, declare any expenses incurred as aforesaid by the municipal council to be improvement expenses. Improvement expenses shall be a charge upon the premises or land, and shall be levied in such instalments as the municipal council decides, including interest at the rate of six per cent per annum, and shall be recoverable in the manner described in sub-sections (2) and (3).

Power to levy charges on occupier, who may deduct the same from his rent..

(2) If the defaulter be the owner of the building or land, the municipal council may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Occupiers not to be liable for more than the amount of rent due.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Regulation on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglect or refuse, upon application made to him for that purpose by the municipal council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier:

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

Occupier, in default of owner, may execute works and deduct expenses from his rent.

188. Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the municipal council, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

189. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Regulation, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Regulation, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall for every day during which he so continues to refuse be punished with fine which may extend to fifty rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Proceedings, if any, occupier opposes the execution of the Regulation.

(11) *Miscellaneous.*

190. It shall be lawful for the president, vice-president, chief officer or any officer authorised by the municipal council for such purpose, to enter, for any purpose of this Regulation, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land.

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier.

Provided also that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

Entry for purposes of the Regulation.

191. (1) If an agreement is not arrived at with respect to any compensation or damages, which are by this Regulation directed to be paid, the amount and if necessary, the apportionment of the same shall be ascertained and determined by a panchayet of five persons of whom two shall be appointed by the municipal council, two by the party to or from whom compensation or damages may be payable or recoverable, and one, who shall be presiding

Arbitration in case of compensation, etc.

member, shall be selected by the members already appointed as above.

(2) If either party, or both parties, fail to appoint members, or if the members fail to select a presiding member within one month from the date of either party receiving written notice from the other of claim to such compensation or damages, such members as may be necessary to constitute the panchayet shall be appointed, at the instance of either party, by the District Judge.

(3) In the event of the panchayet not giving a decision within one month from the date of the selection of the presiding member, or of the appointment by the district court of such members as may be necessary to constitute the panchayet, the matter shall, on application by either party, be determined by the district court which shall, in cases in which the compensation is claimed in respect of land, follow as far as may be the procedure provided by the Land Acquisition Regulation, 1894, for proceedings in matters referred for the determination of the court.

Provided that

(*a*) no application to the Deputy Commissioner for a reference shall be necessary, and

(*b*) the court shall have full power to give and apportion the costs of all proceedings in any manner it thinks fit.

(4) In any case where the compensation is claimed in respect of land and the panchayet has given a decision, either party, if dissatisfied with the decision—

(*a*) on the ground of corruption or misconduct of the panchayet, or

(*b*) on the ground of either party having been guilty of fraudulent concealment of any matter which he ought to have disclosed, or of wilfully misleading or deceiving the panchayet, or

(*c*) on the ground of the award having been made after the issue of an order of the court superseding the arbitration and proceeding with the suit or after the expiration of the period allowed by the court, or being otherwise invalid,

may within a month of the date thereof apply to the district court, and the matter shall be determined by the district court in accordance with the provisions of sub-section (3).

(5) In any case where the compensation is claimed in respect of any land or building, the municipal council may, after the award has been made by the panchayet or the district court, as the case may be, take possession of the land or building, after paying the amount or the compensation determined by the panchayet or the district court to the party to whom such compensation may be payable. If such party refuses to accept such compensation, or if there is no person competent to alienate the land or building, or if there is any dispute as to the title to the compensation or as to the apportionment of it, the municipal council shall deposit the aomunt of the compensation in the district court.

Costs or expenses how determined and recovered.

192. If a dispute arises with respect to any costs or expenses which are directed to be paid, by any person under this chapter, the amount, and if necessary, the apportionment of the same, shall, save where it is otherwise expressly provided in this Regulation, be ascertained and determined by the municipal council and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

CHAPTER X.

Prosecutions, Suits and Powers of Police.

Municipal council may prosecute.

193. (1) The municipal council may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any rule or by-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund.

Provided that no prosecution for an offence under this Regulation or rule or by-law framed thereunder shall be instituted except within six months next after the commission of such offence.

Jurisdiction of Magistrate.

(2) Any prosecution under this Regulation or under any rules or by-laws thereunder may, save as therein otherwise provided, be instituted before any magistrate, and every fine or penalty imposed under or by virtue of this Regulation or any rule or by-law thereunder, and also all claims to compensation or other expenses for the recovery

of which no special provision is otherwise made in this Regulation, may be recovered on application to such magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

Power to compound offences.

194. A municipal council may—

(*a*) compromise with any person who in the opinion of the municipal council has committed an offence punishable under this Regulation or any by-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence;

(*b*) withdraw from prosecutions instituted under this Regulation or under any by-law made thereunder;

(*c*) compound any offence against this Regulation or against any by-law made thereunder which may by rules made by the Government be declared compoundable.

Provided that the Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section.

Limitation for distraint, etc.

195. No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the municipal council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum.

Distress lawful though defective in form.

196. No distress levied by virtue of this Regulation shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress; or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

Damage to municipal property how made good.

197. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Regulation, any damage to the property of the municipal council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty

convicted, and on non-payment of such damage on demand the same shall be levied by distress, and such magistrate shall issue his warrant accordingly.

Alternative procedure by suit.

198. In lieu of any process of recovery allowed by or under this Regulation or in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of Chapter VIII, or of any compensation, expenses, charges or damages payable under this Regulation, it shall be lawful for a municipal council to sue in any court of competent jurisdiction the person liable to pay the same.

Power of compromise.

199. (1) The municipal council may compound or compromise in respect of any suit instituted by or against it, or in respect of any claim or demand arising out of any contract entered into by it under this Regulation, for such sum of money or other compensation as it shall deem sufficient.

Provided that, if any sanction in the making of any contract is required by this Regulation, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The municipal council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its officers, and servants under this Regulation.

(3) The municipal fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on behalf of the municipal council.

Assistance for the recovery of rent on land.

200. For the purpose of the recovery of any amount due on account of rent from any person to a municipal council in respect of any land vested in such municipal council, the municipal council shall be deemed to be a superior holder, and every such person an inferior holder, of such land, within the meaning of sections 97 and 98 of the Mysore Land Revenue Code, 1888, and the municipal council, as superior holder, shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections superior holders are entitled for the recovery of rent or land revenue payable to them by inferior holders.

Limitation of suits, e c.

201. (1) No suit shall be instituted against any municipal council, president, councillor, officer, servant, or any person acting under the direction of such municipal council, president, councillor, officer or servant for anything done or purporting to be done under this Regulation, until

the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of a municipal council delivered or left at its office, and, in case of a president, councillor, officer or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action.

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

Power of police officers.

202. (1) Any police officer may arrest any person committing in his view any offence against any of the provisions of this Regulation, or of any rule or by-law thereunder, if the name and address of such person be unknown to him, and if he decline to give his name and address, or if the police officer have reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained:

Provided that no person arrested shall be detained without the order of a magistrate longer than shall be necessary for bringing him before a magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the municipal council of the commission of any offence against the provisions of this Regulation, or of any rule or by-law thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority.

CHAPTER XI.

MUNICIPAL ACCOUNTS AND ADMINISTRATION REPORTS.

Prohibition of expenditure not budgetted for.

203. Except as hereinafter provided, no payment any sum shall be made out of the municipal fund unle the expenditure of the same is covered by a budget gra

provided that the following items shall be excepted from this prohibition, namely :—

(*a*) refunds of taxes and other moneys which the municipal council is authorised by the Regulation or the rules made thereunder to make ;

(*b*) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake ;

(*c*) sums which the municipal council is required or empowered by this Regulation to pay by way of compensation ;

(*d*) every sum payable—

(i) under section 219 by order of the Deputy Commissioner and under sections 220, 221, 222, 224 and 227 by order of the Government,

(ii) under a decree or order of a civil court passed against the municipal council,

(iii) under a compromise of any suit or other legal proceeding or claim ;

(*e*) expenses incurred in the exercise of powers conferred by sections 59 (*a*), 174, 175 and 177 ;

(*f*) all contributions payable by the municipal council to the Government for the maintenance of water-supply, dispensaries, schools and other institutions managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or local authorities.

Presentation of Accounts.

204. (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and at a general meeting which shall be held between the first day of February and the first day of April a complete account of the actual and expected receipts and expenditure for the official year ending on the thirtieth day of June next following, together with a budget estimate of the income and expenditure of the municipal council for the official year to commence on the first day of July next following.

Budget estimates.

(2) The municipal council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of July next following. The budget as passed by the municipal

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council shall be sent to the Government before such date as may be fixed by the Government.

(3) In such budget estimate, the municipal council shall, among other things—

(*a*) make adequate and suitable provisions for such services as may be required for the fulfilment of the several duties imposed on the municipal council by this Regulation or any other law;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the municipal council may be liable in respect of loans contracted by it;

(*c*) provide for the payments of all sums payable to the Government under sections 220 and 221 and of all contributions for the maintenance of water-supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or authorities;

(*d*) allow for a balance at the end of the said year of not less than such sum as may from time to time be fixed by the Government, generally for all municipalities or specially for any municipality.

(4) If the budget as submitted, fails to make adequate provision for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made.

Revision of budget.

205. If, in the course of the official year, the municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government—

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 204; and

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 204.

Maintenance of accounts and restrictions on expenditure.

206. (1) Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the municipal fund shall, save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The municipal council shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

Audit of accounts.

207. (1) The municipal accounts shall, from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be prescribed in the rules of the municipal council.

(2) The auditor or auditors shall for the purposes of their office, have access to all the accounts and other records of the municipal council.

(3) The municipal council shall pay from the municipal fund such charges for the audit as may be agreed upon and in the case of a Government auditor such charges as may be prescribed by the Government.

Powers of Government auditor.

208. The Government auditor may—

(*a*) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit;

(*b*) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Duties of Government auditor.

209. (1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the municipal council a report upon the audit of the municipal accounts.

(*b*) report to the municipal council and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the municipal council or in the municipal accounts; and

(*c*) report to the municipal council and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the municipal council caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste;

Municipal council to remedy defects.

(2) The municipal council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Disallowance by Government auditor and order by Deputy Commissioner.

210. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment.

(2) The Deputy Commissioner may on the report of auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

Appeal from order of Deputy Commissioner.

211. Any person aggrieved by the order of the Deputy Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to costs as it may think proper in the circumstances; or in lieu of such application the person so aggrieved may, within the like period appeal to the Government who shall pass such orders as it thinks fit.

Recovery of amounts disallowed

212. Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.

Transmission of accounts to Government.

213. The municipal council shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Government or such officer may from time to time direct.

214. The quarterly and annual accounts of receipts and expenditure, and the budget when sanctioned, shall be open to public inspection, and shall be published in such manner as the municipal council may prescribe in this behalf. Publication of accounts.

215. (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the Government, the municipal council shall submit to the Government, a report on the administration during the preceding official year in such form and with such details as the Government may direct. Annual administration report.

(2) In a municipality for which there is a municipal commissioner, the municipal commissioner and in other municipalities the president shall prepare the report and place it before the municipal council for consideration and forward it to the Government with the resolution of the municipal council thereon.

(3) The report may be published in such manner as the municipal council, subject to the approval of the Government, may direct.

CHAPTER XII.

CONTROL.

216. The Deputy Commissioner or any officer of the Government authorised by the Government by a general or special order shall have power— Powers of inspection and supervision.

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any municipal council or any institution under its control or management, or any work in progress under it or under its direction;

(*b*) to call for any extract from the proceedings of any municipal council or of any committee, or for any book or document in the possession of or under the control of a municipal council, and any return, statement, account, or report which he may think fit to require such municipal council to furnish;

(*c*) to require a municipal council to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such municipal council, or any information which he is able to furnish and which appears to him to

necessitate the doing of a certain thing by the municipal council, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

Power to inspect the office of municipal council.

217. (1) The Government or any officer authorised by the Government in this behalf shall have power to inspect the office of any municipal council and call for the records of any such municipal council.

(2) The officer authorised under sub-section (1) shall submit the records for the orders of Government, if he is satisfied that the order or proceeding of the municipal council or its executive is contrary to law or orders for the time being in force.

Deputy Commissioner's power of suspending execution of orders, etc., of municipal councils.

218. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a municipal council, or the doing of anything which is about to be done or is being done by or on behalf of a municipal council, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Deputy Commissioner's order to be reported to Government who may confirm or modify it.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government and to the municipal council affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Provided that no order of the Deputy Commissioner passed under this section shall be confirmed, revised or modified by the Government without giving the municipal council reasonable opportunity of showing cause against the said order.

Extraordinary powers of Deputy Commissioner in case of emergency.

219. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal council is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the municipal council.

(2) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing any person, who, for the time being, has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(3) The provisions of sub-section (2) of section 218 shall apply, so far as may be, to any order made under this section.

Agency for execution of public works.

The Government after consulting the municipal council may direct that such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may specify.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.

(4) If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Special provision in regard to works executed by the Government.

221. (1) Notwithstanding anything contained in this Regulation, it shall be lawful for the Government at any time after consulting the municipal council—

(*a*) to construct any work or works of a permanent nature which, in the opinion of the Government, is or are necessary or desirable for the health or safety of the inhabitants, whether within any municipality or without it wholly or in part;

(*b*) to retain the management and maintenance of any such work or to entrust the same, in whole or in part, to the municipal council, or to resume the same from the municipal council;

(*c*) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation :

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of the municipal council, to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by the Government to be paid by the municipal council under clause (*c*) of the preceding sub-section.

(3) The provisions of this section shall be deemed to apply with retrospective effect in respect of the works heretofore carried out at the expense of Government for the water-supply of the cities of Bangalore and Mysore.

Government inquiry into municipal matters.

222. (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any matters with respect to which its sanction, approval or consent is required under this Regulation.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure in respect of the following matters :—

(*a*) discovery and inspection,
(*b*) enforcing the attendance of witnesses and requiring the deposit of their expenses,
(*c*) compelling the production of documents,
(*d*) examining witnesses on oath,
(*e*) granting adjournments,
(*f*) reception of evidence taken on affidavit, and
(*g*) issuing commissions for the examination of witnesses and may summon and examine *suo motu* any person whose evidence appears to him to be material ; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

EXPLANATION.—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the Mysore State.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding six per cent per annum; and such costs and interest shall be leviable as an arrear of land revenue.

Power of Government to prevent extravagance in the employment of establishment.

223. (1) If in the opinion of the Government the number of persons who are employed by a municipal council as officers or servants or whom a municipal council proposes to employ, or the remuneration assigned by the municipal council to those persons, or to any particular person, is excessive, the municipal council shall, on the requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons.

(2) It shall be lawful for the Government—

Government may require any municipal council to appoint a health officer, or an engineer.

(i) to require, if in its opinion at any time such an appointment is necessary, the appointment of a health officer, or of an engineer or both to be made by any municipal council;

(ii) to make in its discretion an order vetoing the appointment, or continuance in any such office, of any person selected therefor or appointed thereto by any such municipal council, and the tenure of such office by any such person shall cease and determine on and from the date on which such order is communicated to the municipal council;

(iii) to require that any person appointed to be a chief officer or a municipal commissioner shall be invested by any such municipal council with all or any of the powers which can under this Regulation or under any rules in force at the time be lawfully delegated to him, in addition to such powers as are conferred on him by section 236 or by chapter XIV, as the case may be;

(iv) to require that all or any of the powers referred to in section 174 or in section 175 (if the conditions under which that section comes into operation exist), shall be delegated by any such municipal council, whether there be a chief officer or not, to the president, vice-president or any such councillor as the Government may deem fit.

(3) Any requisition issued to the municipal council under clause (i), (iii) or (iv) of sub-section (2) above shall be complied with within such time as the Government may in each case, prescribe in that behalf.

Power of Government to provide for performance of duties, in default of municipal council.

224. (1) When the Government is informed, on complaint made or otherwise, that a municipal council has made default in performing any duty imposed on it by or under this Regulation, or by or under any enactment for the time being in force, the Government, if satisfied after due inquiry that the municipal council has been guilty of the alleged default, may fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the municipal council.

(3) If the expense and remuneration are not so paid, the Government may make an order directing any perso who for the time being has custody of any moneys behalf of the municipal council, to pay such expense remuneration from such moneys as he may have in hands or may from time to time receive, and such pe shall be bound to obey such order.

Power of Government to direct person in custody of municipal fund to pay Government dues.

225. If a municipal council makes default in the payment of any amount due to the Government it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit be bound to comply with such order.

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

226. (1) If after such enquiry as the Government may consider necessary, the Government is of opinion that any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the Official Gazette, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.

(2) When the municipal council is so dissolved or superseded, the following consequences shall ensue :— Consequences of exercise of such power.

(*a*) all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from the date of the order of supersession, vacate their offices as such, councillors ;

(*b*) all powers and duties of the municipal council shall during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf ;

(*c*) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government.

(3) After the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted—

(*i*) in the case of dissolution, on the date specified the order, or

(*ii*) in the case of supersession, on the date specified he order under sub-section (1) or sub-section (4) as the may be.

(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council. Power after enquiry to continue period of supersession.

227. (1) If any dispute for the decision of which this Regulation does not otherwise provide exists between a city municipal council and one or more other local authorities in regard to any matters arising under the provisions of this or any other Regulation and the dispute is not amicably settled, the matter shall be referred to the Government who may take cognizance of the dispute and decide it ; and the decision of the Government shall be final. Disputes between a city municipal council and one or more other local authorities.

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

228. (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any proceeding for which it considers that a form should be provided. Power of Government to make rules and orders.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders—

(*a*) with reference to all matters expressly required or allowed by this Regulation to be prescribed;

(*b*) (i) for fixing the dates and the time and manner of holding elections, general or casual, of councillors to be elected;

(ii) for prescribing the qualifications of voters and of candidates;

(iii) for preparing and revising the lists of voters from time to time, fixing the date after which no application for enrolment in any such list under preparation or revision shall be received, declaring the manner in which the right to vote of any undivided family, or any company or firm or any other association or body of individuals, or any trustees of any building or land, being two or more in number, entered in such list, may be recorded and exercised and prescribing t restrictions, if any, on the number of vo which a voter may give;

(iv) for determining the manner in which and authority by whom any objection to lists in regard to the names entered th or omitted therefrom may be heard decided, and to what authority the as to such entries and omissions sh

(v) for prescribing the date, subject to the sions of sub-section (1) of section 11 for publication of the municipal election roll

(vi) for regulating generally elections of councillors and other matters incidental or ancillary thereto including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited.

(*c*) for the regulation of all or any of the matters specified in clauses (*b*), (*c*), (*e*), (*f*), and (*g*) of section 49;

(*d*) the contributions to be made by the municipal council to the pension and leave allowances of an officer who is serving or while having served under a municipal council has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a municipal council;

(*e*) for regulating the period of service of all officers and servants, and determinnig the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities, or compassionate allowances on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities, or compassionate allowances; and for prescribing the conditions under which any gratuities, or compassionate allowances may be paid to the surviving relations on the death of any such officers or servants;

(*f*) prescribing the limitations, restrictions, modifications, conditions or regulations subject to which any municipal council shall exercise the powers conferred under section 179 shall be exercised and prescribing a fine not exceeding five hundred rupees for every breach, and a further fine not exceeding twenty rupees a day for every continuing breach, of an order made or conditions imposed by any municipal council in excercise of the powers conferred upon it under the said section or in pursuance of the rules prescribed in that behalf;

(*g*) as to the conditions under which ratepayers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom;

(*h*) for the proper management and maintenance of any work constructed under section 221 and for the regulation of all matters and things connected therewith;

(*i*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed out of the municipal fund and the authority by whom, and the conditions subject to which, such plans and estimates for works may be sanctioned;

(*j*) as to the transfer to municipal councils the management of any institution not otherwise provided for by this Regulation;

(*k*) for submission of returns, statements and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure and the administration reports;

(*l*) for the regulation of all matters connected with the grant of permission under section 116;

(*m*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

(3) A rule may be general for all municipalities, or for all municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more municipalities, as the Government may direct.

(4) The power of Government to make rules under this Regulation shall be subject to the condition of previous publication. All rules made by the Government under this Regulation shall be published in the Official Gazette both in English and Kannada and shall thereupon have effect as if enacted in this Regulation.

Power of Government to cancel or modify by-laws and rules of municipal councils.

229. (1) The Government may, at any time, by notification in the Official Gazette repeal wholly or in part or modify any rule or by-law made by any municipal council:

Provided that before taking any action under this sub-section the Government shall communicate to the municipal council the grounds on which it proposes to do so, fix a reasonable period for the municipal council to show cause against the proposal and consider the explanation and objections, if any, of the municipal council.

(2) The repeal or modification of any rule or by-law shall take effect from the date of publication of the notification in the Official Gazette, if no date is therein specified, and shall not affect anything done, omitted or suffered before such date.

Powers of Government and of the Deputy Commissioners over subordinates.

230. In all matters connected with this Regulation, the Government and each Deputy Commissioner shall, respectively, have and exercise the same authority and control over the Deputy Commissioners and their subordinates, as it or he has and exercises over them in the general and revenue administration.

Powers of officers acting for, or in default of, municipal council and liability of municipal fund.

231. When the Deputy Commissioner or any officer of the Government or any person appointed by him or the Government lawfully takes action on behalf or in default of the municipal council under this Regulation, he shall have power to make such contracts as are necessary for the purpose, and shall be entitled to the same protection under this Regulation as the municipal authority whose powers he is exercising, and compensation shall be recoverable from the municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such municipal authority.

Restriction on the powers of the Deputy Commissioner.

232. The Deputy Commissioner shall not exercise the powers conferred on him under sections 216, 218 and 219 except under the special orders of the Government.

CHAPTER XIII.

APPOINTMENT AND POWERS OF CHIEF AND OTHER MUNICIPAL OFFICERS.

Appointment of chief officer.

233. (1) Any municipal council may and when required by the Government by an order in this behalf shall, within such time as may be fixed therein, appoint a chief officer for the municipality.

(2) The appointment of a person as chief officer shall be subject to the approval of the Government.

(3) No such officer shall, save with previous approval of the Government, be removable from office, reduced, or suspended unless—

(*a*) by a resolution of the municipal council at a general meeting passed by a majority of not less than two-thirds of the whole number of councillors, or

(*b*) by resolutions of the municipal council at two general meetings convened for the purpose within an interval of not less than one month and not more than four months from each other passed by a majority of not less than one-half of the whole number of councillors.

(4) It shall be in the discretion of the Government to make an order vetoing the continuance in the office of chief officer of any person appointed thereto and the tenure of such office by such person, shall cease and determine on and from the date on which such order is communicated to the municipal council.

(5) When a chief officer shall have been appointed, all other officers and servants employed by the municipal council, save such as are excepted by order of the Government from time to time, shall be subordinate to him.

Appointment of health officer and engineer.

234. (1) Any municipal council may, with the sanction of the Government, appoint a health officer and an engineer or any one or more of such officers, whether temporarily or permanently.

(2) No such officer shall, save with the previous sanction of the Government, be removable from office, reduced or suspended, unless by the votes of at least two-thirds of the whole number of councillors.

Duties of chief officer.

235. The chief officer shall—

(*a*) subject to the general control of the president, perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under, this Regulation;

(*b*) subject to the orders of the president, or of the managing committee or of the municipal council, as the case may be, take prompt steps to remove any irregularity pointed out by the auditors;

(*c*) report to the president, the managing committee and the municipal council all cases of fraud, embezzlement, theft or loss of municipal money or property;

(*d*) supply any return, statement, account or report or a copy of any document in his charge called for by the municipal council or the managing committee and shall comply with any orders passed by the municipal council or the managing committee thereon; and

(*e*) subject to the control of the president, perform and exercise the duties and powers of the president specified in clauses (*b*), (*f*) and (*g*) of sub-section (1) of section 24 and in clause (*e*) of the same sub-section in regard to officers and servants of the municipal council subordinate to the chief officer.

Powers of chief officer.

236. The chief officer shall exercise the powers hereinafter specified, and such other powers as may be delegated to him by the municipal council under the provisions of this Regulation—

(*a*) he shall have power, subject to the provisions of this Regulation and of the by-laws for the time being in force thereunder, to grant, give and issue under his signature all licenses and permissions which may be granted or given by a municipal council under this Regulation, other than licenses for markets or slaughterhouses;

(*b*) he may, subject to the provisions aforesaid, at his discretion suspend, withhold or withdraw any license in any case in which he is empowered as aforesaid to grant or give a license, and in which the municipal council may under the provisions aforesaid suspend, withhold or withdraw such license;

(*c*) he shall receive and recover and credit to the municipal fund all fees payable for licenses and permissions granted or given by him under the powers aforesaid;

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(*d*) he may subject to the control of the president and to the provisions of section 41—

(i) enter on behalf of the municipal council into contracts which do not involve an expenditure of over fifty rupees; and

(ii) invite, on behalf of the municipal council and by public notice, tenders for the execution of any approved work or for the supply of any materials or goods required by the municipal council; and

(*e*) he may make such requisitions, by written notice give such written consent or permission, issue such orders and prohibitions, and exercise all such powers as may be made, given, issued or exercised by a municipal council under any provisions contained in—

section 78,
section 82, sub-sections (2) and (3),
section 88,
section 92, sub-sections (3), (4) and (5),
section 94, proviso to sub-section (2),
section 95,
section 96,
section 97,
section 99,
section 101, sub-section (3),
section 107, sub-section (2),
section 113,
section 115, sub-sections (2), (3) and clause (*a*) of sub-section (6).
section 117,
section 119,
section 122,
section 131, sub-section (1),
section 132,
section 136,
section 137,
section 139
section 140,
section 141,
section 142,
section 143,
section 144,
section 145,
section 146,
section 147,

section 148,
section 149,
section 150,
section 151,
section 153,
section 154, sub-section (1),
section 155,
section 156,
section 158,
section 161,
section 167, sub-section (3),
section 172,
section 173,
section 174, sub-section (2),
section 185 and
section 186.

Chief officer's powers of appointment and punishment.

237. The chief officer shall have, independently of such powers as may be delegated to him by the municipal council in this behalf, power—

(*a*) to appoint—

(i) without the previous sanction of the municipal council, to any post the monthly salary for which does not exceed fifteen rupees, and

(ii) with such previous sanction, in each case, any post under the municipal council other than that of the health officer, engineer or chief accountant, and

(*b*) to fine, reduce, suspend or dismiss any municipal servant whose salary does not exceed fifteen rupees, and, subject to the provisions of the rules for the time being in force, any other municipal officer or servant not being the health officer, engineer, or chief accountant, provided that his order in respect of any punishment shall be subject to an appeal to the municipal council.

Chief officer may make explanations at meetings.

238. The chief officer may, with the permission of the president, or in virtue of a resolution passed in this behalf at any meeting of the municipal council or of any committee, make an explanation, in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at any such meeting.

CHAPTER XIV.

MUNICIPAL COMMISSIONER, HIS POWERS AND DUTIES.

Appointment of municipal commissioner.

239. (1) Notwithstanding anything contained in Chapter XIII, the Government may appoint a municipal commissioner for any city municipality.

(2) On the appointment of a municipal commissioner, the appointment of chief officer, if any, shall forthwith terminate, provided that the appointment of a municipal commissioner shall not be made until such notice has been given to the chief officer, as the term of his appointment entitles him to receive and until the expiry of the period specified in such notice.

(3) The Government may, at any time, discontinue the appointment of a municipal commissioner for any municipality for which such appointment has been made.

Removal from office.

240. (1) A municipal commissioner who is not a salaried servant of the Government shall hold office for a period of three years, in the first instance, and thereafter for such further period not exceeding three years at a time as the Government may in each case determine. A municipal commissioner who is a salaried servant of the Government shall hold office for such period as the Government may, from time to time, fix in each case.

(2) A municipal commissioner may be removed from office at any time by the Government if it shall appear to the Government that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient.

(3) The municipal commissioner shall be removable from office by the Government if at a special general meeting of the municipal council called for the purpose, not less than two-thirds of the whole number of councillors vote for such removal.

Salary of municipal commissioner.

241. (1) A municipal commissioner shall receive such monthly salary payable wholly by the municipal council or partly by the municipal council and partly by the Government, as the Government may from time to time, determine with due regard to the resources of the municipality.

Prohibition of engagement in other business.

(2) A municipal commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Regulation or in any other enactment for the time being in force, and shall not engage in any other profession, trade or business whatever:

Provided that the Government may assign to him any other work of local importance or interest, if in its opinion, he can perform such additional work without prejudice to his duties as municipal commissioner.

Leave of absence.

242. (1) The Government may, from time to time, in consultation with the municipal council, grant leave of absence for such period as it thinks fit to a municipal commissioner.

Leave allowance.

(2) The allowance to be paid to a municipal commissioner while absent on leave, shall be of such amount, not exceeding his salary, as shall be fixed by the Government:

Provided that, if the municipal commissioner is a salaried servant of the Government, the amount of such allowance shall be regulated by the rules for the time being in force relating to the leave allowances of salaried servants of the Government of his class.

Appointment of substitute.

(3) During any absence on leave, or other temporary vacancy in the office of a municipal commissioner, the Government may appoint a fit person to act as municipal commissioner. Every person so appointed shall exercise the powers and perform the duties conferred and imposed by or under this Regulation or by any other enactment for the time being in force on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable.

Contribution from municipal council towards pensions and leave allowances of municipal commissioners.

243. (1) When a salaried servant of the Government is appointed to be a municipal commissioner, the municipal council shall, unless specially exempted wholly or in part from liability by the Government, contribute to his pension and leave allowances to the extent required by the rules prescribed under sub-section (2) of section 228.

(2) When a person other than a salaried servant of the Government is appointed to be a municipal commissioner, the municipal council shall pay from municipal fund the whole of his leave allowances fixed, as hereinbefore provided by the Government, and may, with the sanction of the Government, grant him a pension or gratuity on retirement, or grant a compassionate allowance to his family on his death.

244. (1) The municipal council may require the municipal commissioner to furnish it with— Power of municipal council to require returns, reports or production of documents.

(*a*) any return, statement, estimate, statistics, or other information regarding any matter appertaining to the administration of this Regulation or to the municipal government of the municipality;

(*b*) a report on any such matter; and

(*c*) a copy of any document in his charge:

Provided that in emergent cases which do not admit of delay till a meeting of the municipal council is called, the president may call for information, return, statistics, estimate, etc., referred to above.

(2) The municipal commissioner shall comply with every such requisition without unreasonable delay.

245. A municipal commissioner shall exercise the powers hereinafter specified, and such other executive powers as may be delegated to him by the municipal council under the provisions of this Regulation — Powers of municipal commissioners and limitations thereon.

(1) he shall, subject to the provisions of this Regulation and save where it is otherwise expressly provided in this Regulation, perform and exercise the duties and powers of the president under clauses (*b*), (*d*), (*e*) and (*g*) of sub-section (1) of section 24;

(2) he shall exercise all the powers specifically conferred on the chief officer by the provisions of this Regulation; and

(3) he may make such requisition by written notice, give such written consent or permission, issue such orders and prohibitions, exercise all such powers and perform all such duties as may be made, given, issued, exercised and performed by a municipal council under any of the provisions contained in the following sections or sub-sections, namely :—

section 73,

section 81, except in cases where the amount to be remitted or refunded exceeds two hundred and fifty rupees.

section 83,
section 91,
section 93,
section 105,
section 107,
section 109,
section 110,

section 112,
section 115,
section 118,
section 120,
section 121,
section 124,
section 126,
section 127,
section 128,
section 129,
section 130,
section 131, sub-section (2),
section 133, sub-section (1),
section 135,
section 138,
section 159,
section 174,
section 175,
section 177,
section 178,
section 181,
section 187,
section 188,
section 190,
section 192,
section 193, and
section 194,

Provided as follows :—

(*a*) The powers conferred on the municipal council by or under the provisions contained in section 83, section 105, section 107, section 110, clause (*b*) of sub-section (6) of section 115, sub-section (1) of section 129, section 135, sub-section (1) of section 138, and, in the case of a well, section 159, shall not be exercised by the municipal commissioner except subject to the general or special orders of the municipal council or, in the absence of such orders, with the previous approval of the municipal council ;

(*b*) The powers conferred on the municipal council by or under any of the provisions of this Regulation (i) to make rules or by-laws, and (ii) to authorise the president or the vice-president, or a committee or a councillor to do anything, shall not be exercised by the municipal commissioner ;

(*c*) Property, whether movable or immovable, vested in or belonging to or otherwise held by the municipal

council, shall not be deemed to vest in or belong to or otherwise to be held by the municipal commissioner;

(*d*) The power conferred by section 193 to direct a prosecution or to order proceedings to be taken for the punishment of any person offending against the provisions of the following sections or sub-sections shall not be exercised by the municipal commissioner except with the previous approval of the municipal council;

section 46, sub-section (4) of section 107, section 165 and clause (*f*) of sub-section (2) of section 228.

Municipal commissioner deemed to be authorised in certain matters although not expressly so authorised.

246. When a municipal council empowered by any of the provisions of this Regulation or by any by-laws made hereunder to authorise an officer to exercise any power whatever or to do anything, has so authorised any officer, it shall be deemed so to have authorised the municipal commissioner notwithstanding that it has not expressely so authorised him.

Punishment for person disobeying lawful direction given by municipal commissioner

247. Whoever disobeys or fails to comply with a lawful direction given by the municipal commissioner in any matter shall be punishable in the same manner as a person who disobeys or fails to comply with a lawful direction given by the municipal council in the same matter.

Powers of municipal commissioner to appoint, grant leave, punish and dismiss.

248. (1) A municipal commissioner shall have, independently of such powers as may be delegated to him by the municipal council in this behalf, power without the sanction of the municipal council—

(*a*) to appoint, subject to the rules for the time being in force, a fit person to any post under the municipal council, the monthly salary for which does not exceed sixty rupees, other than to the post of health officer, engineer, chief accountant, manager or auditor;

(*b*) to grant, subject to the rules for the time being in force, leave of absence to the holder of any post to which the municipal commissioner has power to appoint, and to appoint a fit person to act for such holder during such absence;

(*c*) to fine, reduce, suspend or dismiss the holder of any post to which the municipal commissioner has power to appoint.

(2) When a municipal commissioner has been appointed under the provisions of this Regulation, all other officers and servants employed by the municipal council shall be subordinate to him.

Order not subject to appeal except in certain cases.

249. No appeal shall lie to the municipal council in respect of any order passed or anything done by a municipal commissioner in the exercise of powers conferred upon him by or under the provisions of this Regulation except in the case of an order passed or anything done by him under any of the following provisions, namely :—

(*i*) Sub-section (4) of section 107, (*ii*) sub-sections (1) and (2) of section 109, (*iii*) clause (*b*) of sub-section (6) of section 115, (*iv*) sub-section (1) of section 118, (*v*) sub-section (1) of section 120, (*vi*) sub-section (1) of section 124, (*vii*) sub-section (2) of section 154, (*viii*) section 155, (*ix*) section 181, (*x*) section 182, (*xi*) clause (*b*) of sub-section (1) of section 187, (*xii*) section 192, (*xiii*) clause (*c*) of sub-section (1) of section 248 in respect of an order of dismissal.

Delegation of powers of municipal commissioner

250. (1) With the sanction of the municipal council, the municipal commissioner may by general or special order in writing delegate to any municipal officer or servant any of the municipal commissioner's powers, duties or functions under this Regulation or under any rule or by-law made hereunder except such as are conferred or imposed upon or vested in him under the following sections, namely, 181, 193 and 248.

(2) The exercise or discharge by any municipal officer or servant of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations, if any, as may be prescribed in the said order and also to the control of and revision by the municipal commissioner.

Power to execute contracts on behalf of municipal council

251. In any municipality for which a municipal commissioner has been appointed, notwithstanding anything contained in section 41, the following provisions with respect to the making of contracts under or for any purposes of this Regulation shall have effect, namely :—

(*a*) every such contract shall be made on behalf of the municipal council, by the municipal commissioner;

(*b*) no such contract for any purpose which the municipal commissioner is not empowered by this Regulation to carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given;

(*c*) no contract for the purchase, sale, lease, mortgage or other transfer of immovable property, shall be entered into by the municipal commissioner except with the approval or sanction of the municipal council;

(*d*) no contract which will involve an expenditure exceeding five hundred rupees shall be made by the municipal commissioner except with the approval or sanction of the municipal council;

(*e*) every contract made by the municipal commissioner involving an expenditure exceeding two hundred and fifty rupees and not exceeding five hundred rupees shall be reported by him, within fifteen days after the same has been made, to the municipal council;

(*f*) the foregoing provisions of this section shall apply to every variation or discharge of a contract as to an original contract.

Mode of executing contracts.

252. (1) Notwithstanding anything contained in sub-sections (7) and (8) of section 41, every contract entered into by a municipal commissioner on behalf of a municipal council shall be entered into in such manner and form as would bind such municipal commissioner if such contract were on his own behalf, and may in like manner and form be varied or discharged:

Provided that—

(*a*) where any such contract, if entered into by a municipal commissioner, would require to be under seal, the same shall be sealed with the common seal of the municipal council;

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the municipal council and shall specify the work to be done or the materials or goods to be supplied, as the case may be, the price to be paid for such work materials or goods and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(2) The common seal of the municipal council shall not be affixed to any contract or other instrument, except in the presence of two members of the managing committee, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

(3) No contract not executed in the manner provided in this section shall be binding on the municipal council.

Tenders to be invited for contracts involving expenditure exceeding five hundred rupees.

253. (1) Except as is otherwise provided in sub-section (3), a municipal commissioner shall at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees, give notice by advertising in the local newspapers, inviting tenders for such contract.

(2) A municipal commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provisions of clause (*d*) of section 251, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous or may reject all the tenders submitted to him.

(3) The municipal council may, subject to the provisions of section 41, authorise the municipal commissioner, for reasons which shall be recorded in its proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security when to be taken for performance of contract.

254. A municipal commissioner shall require security for the due performance of every contract into which he enters under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under the Regulation.

SCHEDULE A.

ENACTMENTS REPEALED.

Year.	No.	Title or short title.
1906	VII.	The Mysore Municipal Regulation, 1906.
1911	IX.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1914	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1915	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1916	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1918	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1921	I.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1922	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1923	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1926	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1927	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1928	XIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1929	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1930	IX.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1931	VI.	A Regulation further to amend the Mysore Municipal Regulation of 1906.

SCHEDULE I.

Section 64, clauses (i), (vi) to (x) and (xiii)

MAXIMUM RATES OF TAXES OTHER THAN OCTROI, TERMINAL-TAX, TAXES ON VEHICLES AND ANIMALS, TOLLS, TAXES ON ARTS, PROFESSIONS, TRADES AND CALLINGS AND SHOP-TAX.

Taxes	Maximum rate per year
A. Rate on buildings or lands or both.—	
(*i*) Lands not occupied by buildings and not appurtenant to any building or attached thereto for use therewith as a garden or pleasure ground or for the pasturage of animals kept for private use.	Eight annas for every one hundred square yards.
(*ii*) Buildings or lands or both not falling under (*i*)	Six per centum on the annual letting value.
B. Tax on dogs	One rupee per head.
C. Special Sanitary Cess ..	Rates that may be notified by the Government from time to time.
D. General Sanitary Cess ..	Do do
E. Water rate or water rates ..	Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by the Government to be reasonable with reference to the expenditure of providing the water supply.
F. Lighting tax	One-third of the rate leviable under item (A).
G. Other taxes leviable under clause (xiii) of section 65.	Rates to be fixed by Government in each case.

SCHEDULE II.

[*Section 64, clauses (iv) and (v).*]

Maximum rates of octroi and terminal tax.

Taxes	Maximum rate
A. Octroi.—	Rs. a. p.
Class I.—Articles of food or drink for men or animals.—	
Cocoanuts, fresh	0 0 1 each.
Cocoanuts, dry	0 8 0 per maund of 960 tolas.
Betel-leaves	0 0 1 per bundle of 100 leaves.
Sugar	1 0 0 per cent *ad valorem*.
Jaggery	0 2 0 per maund of 960 tolas weight.
Ghee	0 8 0 do
Butter	0 6 0 do
Oats	1 0 0 per cent *ad valorem*.
Bran	1 0 0 do
Chaff	1 0 0 do
Class II.—Animals used for slaughter.—	
Sheep and goats	0 2 0 per head.
Class III.—Oils and Oil seeds.	
Kerosene oil	0 2 0 per tin.
Other oils	0 2 0 per maund of 960 tolas weight.
Oil seeds	0 4 0 per candy of 160 seers.
Class IV.—Articles used in the construction of buildings.—	
1. Timber	Rates to be fixed by the Government from time to time.
2. Chunam or lime ..	0 4 0 per cart load.
3. Roofing tiles (Mangalore pattern)	1 9 0 per cent *ad valorem*.
Class V.—Tobacco ..	4 0 0 per maund of 960 tolas.
Class VI.—Piece-goods and other textile fabrics and manufactured articles of clothing and dress ..	0 0 3 per rupee *ad valorem*.
Class VII.—Metals . ..	1 9 0 per cent *ad valorem*.
Class VIII.—Other articles which are not specified above and which may be approved by the Government by an order in this behalf	2 0 0 do
B. Terminal Tax	Rates to be fixed by the Government from time to time.

SCHEDULE III.

(See section 64, clause ii.)

VEHICLES, BOATS AND ANIMALS LIABLE TO TAXATION WITH THE MAXIMUM RATES OF TAXATION.

	Yearly. Rs. a. p.
For every four-wheeled vehicle with springs constructed to be drawn by two or more horses	20 0 0
For every four-wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks	10 0 0
For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks	6 0 0
For every motor bus or motor lorry	60 0 0
For every motor car weighing 15 cwts. or more	40 0 0
For every motor car weighing not less than 15 cwts.	30 0 0
For every motor cycle	15 0 0
For every other vehicle with springs and every palanquin, bicycle or tricycle and every trailer attached to a motor car.	6 0 0
For every cart or other vehicle without springs	4 0 0
For every boat	4 0 0
For every elephant	24 0 0
For every camel	12 0 0
For every horse over thirteen hands	10 0 0
For every horse of or under thirteen hands	4 0 0
For every horse of or under eleven hands and for every mule	2 0 0
For every bullock or bull	1 0 0
For every male buffalo	1 0 0
For every ass	0 8 0

SCHEDULE IV.

[See section 64, clause (iii).]

MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE MUNICIPAL LIMITS

	Rs. a. p.
1. On every motor bus as defined in the Motor Vehicles Rules or a motor lorry	2 0 0
2. On every motor car	1 0 0
3. On every motor tricycle or bicycle or trailer attached to a motor car	0 4 0
4. On every four-wheeled carriage	0 8 0
5. On every two-wheeled carriage on springs other than a jutka	0 4 0
6. On every jutka laden	0 2 0
7. On every jutka unladen	0 1 0
8. On every other vehicle with springs including a tricycle or bicycle	0 2 0
9. On every cart or other vehicle not on springs drawn by 2 bullocks; buffaloes, horses, ponies, asses or mules, if laden	0 4 0
10. On every cart or other vehicle not on springs drawn by 2 buffaloes, bullocks, horses, ponies, asses or mules, if not laden	0 2 0
11. On every cart or other vehicle not on springs drawn by single bullock, buffalo, horse, pony, ass or mule, if laden	0 2 0
12. On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0 1 0

SCHEDULE V.

[See section 64, clause (xi).]

MAXIMUM RATES OF TAX ON ARTS, PROFESSIONS, TRADES AND CALLINGS.

CLASS I

	Yearly
Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to two thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to two thousand rupees a month or upwards :—	
(i) carrying on business as a company;	
(ii) abkari renters, wholesale and retail traders, and manufacturers, of every kind, contractors, auctioneers and commission agents;	
(iii) bankers, money-lenders, money-changers and pawn brokers;	
(iv) editors and proprietors of newspapers;	
(v) brokers and dealers in securities, shares or bills of exchange;	
(vi) practising barristers, advocates, high court vakils, solicitors, attorneys, pleaders, and law agents;	Rs.
(vii) practising medical practitioners of all kinds including hakims and vaidyans;	100
(viii) dentists and veterinary surgeons;	
(ix) architects and civil engineers;	
(x) owners and farmers of markets and toll-farmers;	
(xi) keepers of hotels, lodging houses or boarding houses;	
(xii) builders and surveyors;	
(xiii) owners of mills, warehouses, printing presses, oil presses, cotton presses and other presses and factories of all kinds;	
(xiv) professional artists, photographers, actors, owners or managers of circuses or theatrical companies, musicians and dancers;	
(xv) dealers in animals or vehicles, and owners or keepers of livery stables or hackney carriages;	
(xvi) artizans.	

CLASS II

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to one thousand five hundred rupees a month or upwards ..	75

CLASS III

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to one thousand rupees a month or upwards	50

CLASS IV

	Rs.
Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to five hundred rupees a month or upwards	25

CLASS V

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to three hundred rupees a month or upwards	12

CLASS VI

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to two hundred rupees a month or upwards	8

CLASS VII

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to one hundred rupees a month or upwards	4

CLASS VIII

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to fifty rupees a month or upwards	2

CLASS IX

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to thirty rupees a month or upwards	1

NOTE.—The foregoing classification is subject to the following provisos, namely :—

PROVISO 1.—No owner of a cotton press shall be placed in any class below class IV.

PROVISO 2.—No wholesale trader, banker, barrister, advocate, high court vakil, solicitor, attorney, architect, civil engineer mill-owner or factory-owner shall be placed in any class below class V.

PROVISO 3.—No abkari renter (other than a mere liquor shop-keeper), editor or proprietor of a newspaper, broker or other dealer in securities, shares or bills of exchange, and no pleader, medical practitioner (other than a hakim or vaidyan), dentist or veterinary surgeon shall be placed in any class below class VI.

PROVISO 4.—No boat-owner, auctioneer, money-lender, owner or farmer of a market, toll-farmer, keeper of a hotel, lodging-house or boarding-house and no builder ,surveyor or owner of a warehouse or press (other than a cotton press or oil press) shall be placed in any class below class VII.

SCHEDULE VI.

[*See section 64, clause* (*xii*).]

Maximum rates of tax on shops and other places of business or profession.

Items	Sort					
	1st	2nd	3rd	4th	5th	6th
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Shops. (For each shop per year) ..	50	40	30	20	10	5
2. Other places where business or profession is carried on for purposes of profit. (For each place per year.)	50	40	30	20	10	5

SCHEDULE VII.

[*See clause* (*b*) *of section* 65.]

Notice is hereby given to the inhabitants of the municipality of .....that the municipal council desires to impose the tax, rate, toll, octroi or cess (as the case may be) defined in the rules appended, [in lieu of the tax known as the.....which is published at page.. .....of the sanctioned rules.]

To be inserted if the tax is to be substituted for any existing tax.

Any inhabitant of the municipality objecting to the proposed tax may, within one month from the date of this notice, send his objections in writing to the municipal council.

Rules.

[The rules prepared by the municipal council under clause (a) of section 65 are to be appended here.]

SCHEDULE VIII.

(See section 78.)

Form of notice of transfer to be given when the transfer has been effected by instrument.

To the president of the municipal council.

I, A. B., hereby give notice, as required by section 77 of the Mysore City Municipalities Regulation, 19 , of the following transfer of property :—

Date of notice	Date of instrument	Name of vendor or assignor	Name of purchaser or assignee	Amount of consideration	Description of the property					If instrument has been registered, the date of registration	Remarks
					Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries		

(Sd.) A. B.

SCHEDULE IX.

(See section 78.)

Form of notice of transfer to be given when the transfer has taken place otherwise than by instrument.

To the president of the municipal council.

I, A. B., hereby give notice, as required by section 77 of the Mysore City Municipalities Regulation, 19 , of the following transfer of property :—

Date of notice	In whose name the property is at present entered in the municipal registers.	To whose name it is to be transferred	Description of property					Remarks
			Of what it consists	Situation	Number in assessment list.	Dimensions of land	Boundaries	

(Sd.) A. B.

SCHEDULE X.

[See sub-section (3) of section 95.]

Form of Notice of Demand.

To

A, B., residing at .....

Take notice that the municipal council of..... demand from.....the sum of ....due from..... .....on account of.....(here describe the property or other subject in respect of which the tax is leviable) leviable under rule No.....for the period of..... commencing on the day of .....19.....and ending on the..... day of .....19 , and that if, within fifteen days from the service of this notice, the said sum is not paid into the municipal office at .....ot sufficient cause for non-payment is not shown to the satisfaction of the municipal council, a warrant of distress will be issued for the recovery of the same with costs.

Dated this.....day of.....19 ,

(Signed)

By order of the municipal council of

SCHEDULE XI.

[See sub-section (1) of section 96.]

Form of Warrant.

To

(Here insert the name of the officer charged with the execution of the warrant.)

Whereas A. B. of.....has not paid, and has not shown satisfactory cause for the non-payment, of the sum of..... .....due for the tax*.....mentioned in the margin for the period commencing on the day of 19 , and ending with the day of 19 and leviable under rule No.

*Here describe the tax

And whereas fifteen days have elapsed since the service on him of notice of demand for the same;

This is to command you to distrain, subject to the provisions of section 96 of the Mysore City Municipalities Regulation, 19 , the goods and chattels of the said A, B to the amount of , being the amount due from him, as follows:—

	Rs.	a.	p.
On account of the said tax			
For service of notice			

and forthwith to certify to me together with the warrant all particulars of the goods distrained by you hereunder.

Dated this.....day of.....19 ,

(Signed.)

President (or as the case may be), see section 96 (2).

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SCHEDULE XII.

[See clause (c) of sub-section (5) of section 96 and sub-section (1) of section 92.]

Form of Inventory and Notice.

To

A, B, residing at .....

* Here describe the tax

Take notice that I have this day distrained the goods and chattels specified in the inventory beneath this, for the value of..... due for the tax *.....mentioned in the margin for the period commencing with the day of 19 , and ending with the day of 19 , together with Rs. due as for service of notice of demand, and that unless within five days from the day of the date of this notice you pay into the municipal office at.....the said amount together with the costs of recovery, the said goods and chattels will be sold.

Dated this day of 19 ,

Signature of Officer executing the warrant. / collecting octroi. / collecting toll.

Inventory.

(Here state particulars of goods and chattels distrained.)

M. N. KRISHNA RAO,

Dewan.

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NOTIFICATION.

Order No. P. 294—Legis. 62-31-5, dated Bangalore, the 17th July 1933. (Enclosure Pages 1—135.)

Ordered that the accompanying Mysore Town Municipalities Regulation which received the assent of His Highness the Maharaja, on the 28th day of June 1933, be published as Regulation No. VIII of 1933, in the *Mysore Gazette* for general information.

S. N. APPANNA IYENGAR,
Secretary to Government, General Department.

REGULATION VIII OF 1933.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE TWENTY-EIGHTH DAY OF JUNE 1933.)

A Regulation to make better provision for the Management of Municipal affairs in Towns in Mysore.

Whereas it is expedient to make better provision for the management of municipal affairs in towns in Mysore; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. 1. (1) This Regulation may be cited as the Mysore Town Municipalities Regulation, 1933.

Local extent. (2) It extends to the whole of Mysore.

Commencement. (3) It shall come into force on the first day of August 1933.

Repeal. 2. On this Regulation coming into force, the enactments mentioned in schedule A shall be repealed in so far as they relate to town municipalities.

Provided that—

Saving clause. (*a*) the said repeal shall not affect the validity or invalidity of anything already done under any of the said enactments;

(*b*) all town municipalities constituted, municipal councillors appointed or elected, committees established, limits defined, appointments, rules, orders and by-laws made, notifications and notices issued, taxes and rates

imposed, contracts entered into, and suits and other proceedings instituted, under the said enactments or under any enactments thereby repealed, shall, so far as may be and so far as they relate to town municipalities, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Regulation; and

(*c*) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Interpretation section.

3. In this Regulation, unless there be something repugnant in the subject or content—

(1) "Amildar" includes a Deputy Amildar.

(2) "annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to let from year to year.

(3) "building" shall include any hut, shed, or other enclosure, whether used as a human dwelling or for any other purpose, and shall also include walls, verandahs, fixed platforms, plinths, doorsteps, and the like.

(4) "councillor" shall mean any person legally a member of a municipal council.

(5) "dangerous disease" shall mean cholera, plague, small-pox, and any endemic, epidemic, or infectious disease by which the life of man is endangered.

(6) "judge" shall mean District Judge, Judge of a Court of Small Causes, Subordinate Judge or Munsiff.

(7) "land" shall include land which is built upon or covered with water.

(8) "municipal council" shall mean the council of a town municipality.

(9) "municipality" shall mean any local area which is at present a town municipality and any local area which may hereafter be constituted or declared as a town municipality under sections 4 and 5, if such municipality has not ceased to be a town municipality.

(10) "nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property.

(11) "octroi" shall include a terminal tax.

(12) "official year" shall mean the year commencing on the first day of July.

(13) "owner" shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant:

Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Regulation required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to the owner sufficient to defray the expense of doing the act required.

(14) "prescribed" means prescribed by any rule made by the Government under this Regulation.

(15) "public securities" shall mean—

(*a*) securities of the Government of India,

(*b*) securities of the Government of Mysore,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a law in force in Mysore, or

(*d*) a security expressly authorised by any order which the Government makes in this behalf.

(16) "public street" shall mean any street—

(*a*) over which the public have a right of way, or

(*b*) heretofore levelled, paved, metalled, channelled, sewered or repaired, out of municipal or other public funds, or

(*c*) which under any provision of this Regulation becomes a public street.

(17) "salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of a salary from the Government who is not a full-time servant of the Government.

(18) "street" shall mean any road, footway, square, court, alley or passage, accessible whether permanently or temporarily to the public, whether a thoroughfare or not, and shall include every vacant space, notwithstanding that it may be private property, and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it

is used by any persons as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid.

(19) "taluk" includes a "sub-taluk."

(20) "tax" shall include any toll, rate, cess, fee or other impost leviable under this Regulation.

(21) "vehicle" shall include bicycles, tricycles, automotor cars and every wheeled conveyance which is used or capable of being used on a public street.

(22) "whole number" shall mean when used with reference to the councillors of a municipal council, the total number of councillors holding office at the time.

CHAPTER II.

CONSTITUTION OF MUNICIPAL COUNCILS.

(1) *Municipalities.*

Delimitation of town municipalities.

4. (1) Subject to the provisions of sections 6 and 7, the Government may, from time to time, by notification in the Official Gazette, declare any local area to be a town municipality, and may, from time to time, by a like notification, extend, contract or otherwise alter the limits of any such municipality, or declare that any local area shall from a date to be specified in the notification, cease to be a municipality.

Limits to be specified in notification.

(2) Every such notification constituting a new town municipality, or altering the limits of an existing town municipality, shall clearly set forth the local limits o the area to be included in or excluded from such municipality, as the case may be.

Erection and maintenance of boundary marks.

(3) It shall be the duty of the municipal council in every town municipality already existing and of every town municipal council newly constituted under this Regulation, and of every town municipal council whose local limits are altered as aforesaid, to cause, at its own cost, to be erected or set up, if and when so required by the Deputy Commissioner, and thereafter to maintain, at its own cost, substantial boundary marks of such description and in such positions as shall be approved by the Deputy Commissioner, defining the limits or the altered limits of

the municipality subject to its authority, as set forth in the notification.

Property and rights of municipal council which has ceased to exist to vest in Government.

(4) When any local area ceases to be a municipality, the municipal council constituted therein shall cease to exist, and the property and rights vested in any such municipal council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipal council had jurisdiction.

Conversion of city and minor municipalities into town municipalities.

5. (1) The Government may at any time after consulting the municipal council concerned and considering objections, if any, declare by notification in the Official Gazette that any minor municipality as defined in the Mysore Minor Municipalities Regulation, 1933, which contains a population of not less than five thousand inhabitants or which has an annual normal income of not less than ten thousand rupees or a city municipality as defined in the Mysore City Municipalities Regulation, 1933, shall, with effect from a date to be specified in the notification be deemed to be a town municipality constituted under this Regulation and may at any time cancel such declaration.

(2) The provisions of the Mysore Minor Municipalities Regulation, 1933, or the Mysore City Municipalities Regulation, 1933, as the case may be, shall not apply to any municipality delcared as a town municipality under sub-section (1) with effect from the date specified in the declaration.

(3) Any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made, issued or imposed under the Mysore Minor Municipalities Regulation, 1933, or the Mysore City Municipalities Regulation, 1933, in respect of a municipality declared as a town municipality, so far as is not inconsistent with the provisions of this Regulation, and any appointment, notification, order, scheme, rule, by-law or form made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Regulation or of such other law in respect of the town municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made or issued under this Regulation or such other law.

(4) Before any city or minor municipality is constituted into a town municipality, the procedure prescribed in section 7 shall, as far as may be, be followed.

(5) The property, rights and liabilities of the municipal council of a municipality declared as a town municipality under sub-section (1) shall vest in the municipal council of the municipality with effect from the date specified in the notification.

What local areas may be declared to be town municipalities.

6. (1) Any local area which comprises—

(*a*) a town or station or two or more neighbouring towns and stations, with or without any village, suburb, or land adjoining thereto, or

(*b*) a village or suburb or two or more neighbouring villages and suburbs,

may be declared a town municipality:

Provided that, except for exceptional reasons, which shall be clearly set forth in the proclamation under section 7 and in the notification issued under section 4, it shall not be lawful—

(i) to include any town, station or suburb in a town municipality with any other town, station or suburb from which it is separated by an extent of more than one mile of land unoccupied by houses; or

(ii) to constitute any town municipality in any area of which the population is less than five thousand.

Naming of municipalities comprising two or more places.

(2) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.

Town Municipalities.

7. (1) Not less than two months before the publication of any notification declaring any local area a town municipality, or altering the limits of any such municipality or declaring that any local area shall cease to be a town municipality, the Government shall cause to be published in the Official Gazette, in English and Kannada, and to be posted up in conspicuous spots in the said local area in Kannada, a proclamation announcing that it is proposed to constitute such local area a town municipality, or to alter the limits of the municipality in a certain manner, or to declare that such local area shall cease to be a municipality, as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor; in writing to the Deputy Commissioner within two months from the date of the

said proclamation; and whenever it is proposed to add to or exclude from a municipality any inhabited area, it shall be the duty of the municipal council also to cause a copy of such proclamation to be posted up in conspicuous places in such area.

(2) The Deputy Commissioner shall, with all reasonable despatch, forward every objection so submitted to the Government.

(3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are, in its opinion, insufficient or invalid.

(2) *Municipal Councils.*

Constitution and incorporation of town municipal councils.

8. In every municipality, there shall be a municipal council, and every such municipal council shall be a body corporate by the name of "the municipal council of—," and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name.

Municipal councils to consist of elected and nominated councillors, in specified proportions.

9. (1) Except as is hereinafter otherwise provided, every such municipal council shall consist of—

(*a*) elected councillors;

(*b*) nominated councillors, if any, that is to say, such persons as from time to time—

(i) are by name appointed in this behalf, or

(ii) are executing the functions of any office from time to time notified in this behalf,

by the Government.

(2) The number of elected councillors shall not be less than three-fourths of the whole number of councillors; and of the number of nominated councillors, the salaried servants of the Government, if any, shall not exceed one-half:

Provided that when a president appointed by the Government under clauses (*a*) and (*b*) of sub-section (2) of section 23 or when a president elected under clause (*d*) of the same sub-section is not a councillor, the three-fourths of the whole number mentioned in this section shall be exclusive of the president so appointed or elected and the president so appointed or elected shall be an additional councillor.

(3) Any vacancy due to failure to elect the full number of elected councillors which under this section might be elected and any vacancy due to failure to elect a councillor under section 16 or 17 may, notwithstanding

anything in this Regulation contained, be filled up by nomination by the Government.

Government may determine the number of councillors; fix proportion of elected and nominated councillors.

10. The Government shall, from time to time, generally or specially, for each municipal council—

(*a*) determine the number of councillors;

(*b*) fix, subject to the provisions of the last preceding section, the proportion of the councillors, if any, who shall be nominated;

(*c*) fix the number of councillors to be elected in the municipality and by the several constituencies, if any; and

(*d*) issue orders for regulating the description, number and extent of constituencies for election of councillors.

Operation of lists.

11. (1) When in accordance with the rules made under clause (*b*) of sub-section (2) of section 204, a list of voters has been prepared or revised, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the municipal election roll. The election roll shall come into force from the date of its publication and shall continue in force for a period of three years or for such less period, if any, as the Government may by order direct in any case, and after the expiration of such period, a new election roll shall be published.

Provided that—

(*a*) in the case of an election held after an election roll has ceased to have force and before the publication of the new election roll, the old election roll shall continue to operate as the election roll;

(*b*) at any time any person whose name is not in the election roll and who claims to have it enrolled may apply to the prescribed authority to enter his name therein and the prescribed authority shall enter in the election roll the name of every such person whose claim is proved to its satisfaction;

(*c*) the prescribed authority shall at any time expunge from the election roll the name of every person proved to its satisfaction to be dead or no longer to possess the qualification of a voter and may likewise correct any clerical error or omission in the election roll after affording the person affected an opportunity of being heard;

(*d*) no change in the election roll shall be made under provisos (*b*) and (*c*) within one month preceding the date fixed for an election.

(2) At every election of councillors, every person enrolled in the municipal election roll as for the time being in operation under sub-section (1), shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote.

Right to vote to depend on entry in roll;

(3) A person shall not be qualified to be elected as a councillor unless he is enrolled in the municipal election roll and a person who is already a councillor shall not be qualified to be a candidate at a bye-election held before his term of office as councillor expires:

enrolment in municipal election roll necessary for elected councillor.

Provided that if any company, body corporate or other association of individuals is enrolled in the municipal election roll, any one person who is authorised in writing in this behalf by such association to represent it and who is not subject to any of the disqualifications under this Regulation, shall be deemed to be qualified to be elected a councillor.

Representative of associations.

(3) *Municipal Councillors.*

12. (1) (A) No person may be a councillor—

General disqualifications for becoming a councillor.

(*a*) (*i*) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or

(*ii*) aganist whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(*iii*) who was been dismissed from municipal, district board or Government service, such dismissal having been notified as debarring him from re-employment, or

(*iv*) who was a legal practitioner whose sannad has been withdrawn by the High Court, or

(*v*) who has been removed from office under section 14 of this Regulation or section 14 of the Mysore City Municipalities Regulation, 1933, or under section 14 of the Mysore Minor Municipalities Regulation, 1933, or

(*b*) who is an undischarged insolvent, or

(*c*) who is less than twenty-one years of age, or

(*d*) who is a judge and

(B) no person—

(*a*) who is a subordinate officer or servant of a municipal council, or

(*b*) who, save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council, or

(*c*) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a municipal council,

may be a member of such municipal council.

Provided that—

(*a*) the disqualification in sub-clause (*ii*) of clause (A) (*a*) will cease to operate after the expiry of the period during which a person is ordered to furnish security;

(*b*) the disqualification in sub-clauses (*i*), (*iii*), (*iv*) and (*v*) of clause (A) (*a*) will cease to operate after the expiry of three years from the date of such sentence, dismissal, withdrawal or removal or earlier by an order of the Government;

(*c*) a person shall not be deemed to have incurred disqualification under clause (B) (*b*) by reason of his—

(*i*) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(*ii*) having a share or interest in any joint-stock company otherwise than as a managing director or agent or in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by, or on behalf of, the municipal council, or

(*iii*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipal council may be inserted, or

(*iv*) holding a debenture or being otherwise interested in any loan raised by or on behalf of the municipal council, or

(*v*) having a share or interest in the occasional sale of any article in which he regularly trades, to the municipal council to a value not exceeding, in any one official year, such amount as the municipal council, with the sanction of the Government, may fix in this behalf, or

(*vi*) having a share or interest in the occasional letting out on hire to the municipal council or in the

hiring from the municipal council, of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the municipal council with the sanction of the Government may fix in this behalf.

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

(2) If any councillor during the term for which he has been elected or appointed—

(*a*) becomes subject to any disqualification specified in sub-section (1), or

Disabilities from continuing a councillor.

(*b*) votes or takes part as a councillor in the discussion of any matter—

(*i*) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in sub-clauses (*i*), (*ii*), (*iii*) or (*v*) of clause (*c*) of the proviso to sub-section (1), whatever may be the value of such share or interest, or

(*ii*) in which he is professionally interested on behalf of a principal or other person, or

(*iii*) in which he is engaged at the time in any proceeding against the municipal council, or

(*c*) by becoming a salaried servant of the Government causes the number of nominated councillors who are salaried servants of the Government to exceed the proportion prescribed in sub-section (2) of section 9, or

(*d*) not being a salaried servant of the Government absents himself from the meetings of the municipal council, during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or

(*e*) fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor, and his office shall become vacant.

A councillor whose office has become vacant under this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.

(3) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.

Power of Government to decide whether vacancy has occurred.

Resignation.

13. A councillor may resign his membership and a vice-president may resign his office as vice-president, by giving notice in writing to that effect to the president and such resignation shall take effect from the date of the notice. The president may resign his membership or his office as president by giving notice in writing to that effect to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the notice.

Liability to removal from office.

14. The Government, if it thinks fit, on the recommendation of the municipal council may remove any councillor elected or appointed under this Regulation, after giving him an opportunity of being heard and after such enquiry as it deems necessary, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

Term of office.

15. Councillors nominated or elected at a general election under this Regulation shall, save as provided in the next following section, or unless they become in the meantime disabled or are removed from office under section 14, or section 202, hold office for a term of three years, extensible by order of the Government to a term not exceeding in the aggregate four years if on any occasion the Government shall think fit, for reasons which shall be notified together with the order in the Official Gazette, so to extend the same.

Casual vacancies how to be filled up.

16. Where a vacancy occurs through the non-acceptance of office by a person elected or appointed to be a councillor, or through such person being disqualified for becoming a councillor, or through any election being set aside under the provisions of sub-section (2) of section 20, or through the death, resignation, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Casual vacancies occurring by increasing the number of councillors.

17. In the event of a vacancy occurring by increasi the number of councillors in any municipal council und clause (*a*) of section 10, such vacancy shall be filled up, soon as conveniently may be, by the election or appoint ment as the case may be, of a person thereto who shall hold office till the next general election or for such period

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as the Government may, in this behalf, notify in the Official Gazette.

18. A person who has already been elected or appointed a councillor on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment. **Re-eligibility of councillors.**

19. The names of all councillors finally elected to any municipal council as well as the names of the nominated councillors, if any, appointed thereto, and the names of all elected or appointed presidents and vice-presidents shall be published, as soon as conveniently may be, in the Official Gazette. **Publication of names of councillors and presidents and vice-presidents in the Official Gazette.**

(4) *Municipal Elections.*

20. (1) At any time within ten days after the date of the declaration of the result of an election of a councillor or of a president under clause (*d*) of sub-section (2) of section 23, any candidate who stood for election or any ten [illegible]s qualified to vote at that election, may apply, to- [illegible] with a deposit of fifty rupees as security for costs to [illegible]trict Judge of the district within which the election [illegible]r should have been held for the determination of [illegible]y of the election. **Determination of validity of elections; enquiry by judge; Procedure.**

[illegible]The District Judge or such other judge as may [illegible]ed by the Government in this behalf may, after [illegible] inquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purpose of the said enquiry, the said judge may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a civil court and he may also direct, by whom the whole or any part of the costs of such enquiry shall be paid. If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion, if any, of the costs as is in excess of the sum paid at the time of the presentation of the application, shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The Code of Civil Procedure shall, as far as possible, be followed in such enquiries. An appeal shall lie to the High Court from the order of the Judge, provided it is only on a point of law and is preferred within one month from the date of such order exclusive of the time requisite for obtaining a copy of the order. If the Judge

sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh election.

Declaration in case of corrupt practice by a candidate.

(3) (*a*) The Judge, if satisfied that a candidate has, within the meaning of sub-section (4), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

Scrutiny of votes and declaration in other cases.

(*b*) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected:

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

What is a corrupt practice.

(4) A person shall be deemed to have commi[redacted] corrupt practice within the meaning of the last pr[redacted] sub-section—

(i) who with a view to inducing any vo[redacted] or to refrain from giving a vote in[redacted] any candidate, offers or gives any[redacted] valuable consideration, or holds o[redacted] mise of individual profit, or ho[redacted] threat of injury to any person, [redacted]

(ii) who gives, procures, or abets the[redacted] vote in the name of a voter wh[redacted] person giving such vote.

Candidate when deemed to have committed corrupt practice.

And a corrupt practice shall be deemed [redacted]en committed by a candidate, if it has been commit[redacted]with his knowledge and consent, or by a person who is [redacted]cting under the general or special authority of such candidate with reference to the election.

Promise of individual profit.

EXPLANATION.—A "promise of individual profit" includes a promise for the benefit of the person himself, or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

More irregularities and informalities not to invalidate election.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrynig out the rules made under clause (*b*) of sub-section (2) of section 204 or clause (*d*) of

sub-section (2) of section 23 or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

EXPLANATION.—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Regulation or rules made thereunder whereby the result of election has been materially affected.

Disqualification of candidate for corrupt practice.

(6) If the Judge sets aside an election under clause (*a*) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate for the office of a councillor or president or both in that or any other municipality constituted under this Regulation or the Mysore City Municipalities Regulation, 1933, or under the Mysore Minor Municipalities Regulation, 1938, for a term of years not exceeding seven and the Judge's decision shall be conclusive :

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made.

Provided further, that such person may, by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such disqualification.

Bar of suits relating to elections, etc.

21. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation.

(5) *Municipal Government.*

Municipal Government to vest in municipal Council.

22. Except as in this Regulation otherwise expressly provided, the municipal government of a municipality vests in the municipal council.

(6) *Presidents and Vice-Presidents.*

Every municipal council to have a president and if the municipal council so desires, a vice-president.

23. (1) For every municipal council, there shall be a president, and if and whenever the municipal council so desires, a vice-president.

President to be appointed or elected.

(2) The president may be—

(*a*) appointed by the Government by name, or

(*b*) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which the Government, from time to time, notifies in this behalf, or

(*c*) if the Government so directs, elected by the councillors from among their number in accordance with the rules prescribed in this behalf, or

(*d*) if the Government so directs, elected by persons entitled to vote under sub-section (2) of section 11 subject to the rules prescribed in this behalf.

Effect of notification of *ex-officio* president.

(3) When an office has been notified under clause (*b*) of sub-section (2), the person from time to time executing the functions of that office shall continue to be president, unless and until such notification is altered or rescinded by the Government.

Vice-president to be elected.

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

Salaried servants of Government ineligible for election.

(5) No salaried servant of the Government shall be eligible for election as president or as vice-president of any municipal council, and the election of any such servant in contravention of the provisions of this sub-section shall be void. If any municipal council fails to elect a president or vice-president within such reasonable time as may be specified in a notice issued by the Government in this behalf, the president or vice-president, as the case may be, may be appointed by the Government.

When Deputy Commissioner and Amildar may perform functions of President.

(6) During a vacancy in the office of the president of a municipal council and when there is no vice-president to take his place, the Deputy Commissioner or the person performing the duties of the Deputy Commissioner for the time being in the case of municipalities at district headquarters or the Amildar or the person performing the duties of the Amildar for the time being in the case of other municipalities, shall notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder, perform the functions of the president.

Consequence of absence of president or vice-president without leave.

(7) Except in the case of a salaried servant of the Government who is either an appointed or *ex-officio* president, every president who, for a period exceeding two months and every vice-president who for a period exceeding one month, shall absent himself from the municipality in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president

or vice-president unless leave so to absent himself has been granted—

(*a*) by the Government in the case of a president appointed by the Government;

(*b*) by the municipal council in other cases.

Limit of grant of leave and arrangements during leave.

(8) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a president and there is no vice-president for the council or the office of the vice-president is vacant, the vacancy shall be filled up by election by the council from among the councillors whether the president was elected under clause (*c*) or (*d*) of sub-section (2), within such period and in such manner as may be prescribed. If the council fails to elect the president or if the appointment of the president was under clause (*a*) of sub-section (2), the Government may fill up the vacancy. When leave is granted to a vice-president or when the vice-president is acting for the president, the vacancy in the office of the vice-president may be filled up by election of some other councillor thereto.

Vacation of office by vice-president on becoming president.

(9) If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president.

Vacation of office by president and vice-president for want of confidence.

(10) Every president other than a salaried servant of the Government appointed *ex-officio* or by name and every vice-president of a municipal council shall forthwith be deemed to have vacated his office—

(*a*) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose; or

(*b*) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than two months and not more than four months from each other.

Removal of presidents and vice-presidents.

(11) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts;

EXPLANATION.—A person may be presumed to be unable to pay his debts if he is under arrest or imprisonment in execution of the decree of any court for the payment of money.

Term of office of president and vice-president.

(12) The term of office of every president and of every vice-president shall, save as otherwise provided in this Regulation, cease on the expiry of his term of office as councillor:

Provided that in the case of elected president or vice-president or both, the Government may, in special cases, with the consent of the municipal councils concerned, direct that their term be limited to one year and that elections be held every year.

Vacancies in their office how to be filled up.

(13) In the event of the non-acceptance of office, death, resignation or removal from office of a president or vice-president other than an *ex-officio* president or of his election or appointment being void, or of his becoming incapable of acting in such office or having ceased to be a councillor under sub-section (2) of section 12, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up by appointment or election, as the case may be, in accordance with the provisions of the foregoing sub-sections. For all the vacancies which are not otherwise provided for, the Government may appoint any person to perform all the duties and exercise all the powers of a president or vice-president during such vacancy.

Remuneration of president and vice-president of municipal council.

(14) The president or vice-president of any municipal council who is not a Government officer may receive out of the municipal fund such monthly allowances as such municipal council may sanction from time to time with the approval of the Government. It shall be lawful for any municipal council to pay out of the municipal fund with the sanction of the Government allowances to any Government officer who is appointed as president.

Functions of presidents.

24. (1) Subject to the provisions of chapter XIII, it shall be the duty of the president of a municipal council to—

(*a*) preside, unless prevented by reasonable cause, at all meetings of the municipal council, and, subject to the provisions of the rules for the time being in force under clause (*a*) of section 46, to regulate the conduct of business at such meetings;

(*b*) watch over the financial and executive administration of the municipal council;

(*c*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under and in accordance with this Regulation;

(*d*) subject to the provision of section 35 and of the rules for the time being in force, perform such other executive functions as may be performed by or on behalf of the municipal council over which he presides;

(*e*) exercise supervision and control over the acts and proceedings of all officers and servants of the municipal council in matters of executive administration and in matters concerning the accounts and records of the municipal council; and, subject to the rules for the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(*f*) furnish to the Deputy Commissioner or to such other officer as the Deputy Commissioner shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the municipal council; and

(*g*) furnish any extract from the minutes of the proceedings of the municipal council or of any committee or other document or thing which the Deputy Commissioner or the Assistant Commissioner or the officer authorised by the Government in this behalf from time to time calls for under section 192.

(2) In a municipality for which there is no chief officer, the president shall, notwithstanding anything contained in chapter XIII and independently of such executive functions as are allotted to him by, or delegated to him under any other provision of this Regulation, exercise all the powers that may be exercised by a chief officer in the municipality.

Custody of records.

25. The president shall be responsible for the custody of all records of the municipal council including all papers and documents connected with the proceedings of the council and all the committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose.

Functions of vice-presidents.

26. (1) It shall be the duty of the vice-president of a municipal council to exercise such of the powers and perform such of the duties of the president as the president from time to time deputes to him in accordance with the general or special orders of the Government issued in this behalf.

(2) It shall be the duty of the vice-president—

(*a*) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the municipal council, and he shall, when so presiding exercise the same authority as is vested in the president under clause (*a*) of sub-section (1) of section 24; and

(*b*) pending the succession, appointment or election of a president, or during the absence of a president on leave, to exercise the powers and perform the duties of the president.

(3) When the Deputy Commissioner or the Amildar has been appointed *ex-officio* president of a municipal council, notwithstanding anything contained in sections 9 and 13 of the Mysore Land Revenue Code, the vice-president shall exercise the powers and perform the duties of the president during the period when the office of the president is vacant.

CHAPTER III.

Conduct of Business.

(1) *Municipal Meetings.*

Provisions in regard to meetings of a municipal council.

27. The following provisions shall be observed with respect to the meetings of a municipal council :—

Ordinary general meetings.

(1) There shall be held an ordinary general meeting in each month for the disposal of general business. It shall be the duty of the president to fix the dates for all ordinary general meetings.

Special general meetings.

(2) The president may, whenever he thinks fit, and shall upon the written request of not less than one-third of the whole number of councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this sub-section, the vice-president or one-third of the whole number of councillors may call such meeting for a day not more than thirty days after the presentation of such request.

Notice to be given of meetings.

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice or in cases of great urgency, notice of such shorter period as is reasonable of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the councillors, and posted up at the municipal office or some other public

building in the municipality. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten days previous to the meeting, of his intention to bring forward thereat, and, in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting :

Provided that the motion or proposition of which a councillor or councillors shall have given notice shall relate to matters connected with the municipal administration and shall not be inconsistent with the provisions of this Regulation.

Meetings to be held at municipal office.

(4) Every meeting of a municipal council shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as a municipal office by such municipal council.

Meeting how presided over in the absence of the president and vice-president.

(5) Every meeting shall, in the absence of both the president and the vice-president, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (*a*) of sub-section (1) of section 24.

Meeting must ordinarily be open to the public.

(6) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the municipal council such as should be held in private :

Provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

Number of councillors required to form a quorum.

(7) If less than one-third of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall, after waiting for not less than fifteen and not more than thirty minutes, adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting, provided that not less than one-fifth of the whole number of councillors or five councillors whichever is greater be present. Any subject not disposed of at such an adjourned meeting shall be deemed to have lapsed and may be brought up before the next ordinary general meeting, or if necessary or expedient, at a special general meeting.

Business to be transacted at meetings, and order of business how to be settled.

(8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting, or, in the case of a special general meeting in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business, or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

Minutes of proceedings to be kept.

(9) There shall be kept in Kannada, and if the municipal council so resolves in English, either in lieu of or in addition to Kannada, minutes of the names of the councillors and of the Government officers, if any, present under the provisions of sub-section (16), and of the proceedings at each general meeting, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any inhabitant of the municipality.

All questions must be decided by a majority of votes.

(10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (*a*) of section 46.

Councillor not to vote on questions in which he has pecuniary interest.

(11) No councillor shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the council if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest.

Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.

(12) If the presiding authority is believed by any councillor present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on or take part in it. Any other councillor may be chosen or elected to preside at the meeting during the continuance of such discussion.

Adjournments of meetings.

(13) Any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any other

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day; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

A notice of such adjournment posted in the municipal office shall be deemed sufficient notice of the adjourned meeting.

Modification and cancellation of resolutions.

(14) No resolution of a municipal council shall be modified or cancelled within three months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of councillors at a general meeting, whereof notice shall have been given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution.

Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.

(15) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the municipal council by a Government Executive Engineer, shall be transacted at any meeting of a municipal council unless, at least fifteen days previous to such meeting, a letter has been addressed to the said Executive Engineer informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business.

Certain Government officers may attend meetings of municipal councils.

(16) (*a*) The Executive Engineer, the principal officer of health in the district and any other officer approved and notified by the Government in this behalf, if not members of a municipal council within the district, shall have the right of being present at any meeting of such municipal council, and, with the consent of the municipal council, each of them may take part at such meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such municipal council:

Provided that the said officers shall not, unless they are members of the municipal council, be entitled to vote upon any such question.

Muncipal council may require the presence of certain of the said officers at their meetings.

(*b*) If it shall appear to a municipal council that the presence of the Executive Engineer or the principal officer of health in the district or any other officer approved and notified by the Government in this behalf, is desirable for the purpose aforesaid at any future meeting of such municipal council, it shall be competent to such municipal council, by letter addressed to such officer not

less than fifteen days previous to the intended meeting, to require his presence thereat; and the said officer, unless prevented by sickness, or other reasonable cause, shall be bound to attend such meeting:

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a deputy or assistant or other competent subordinate as to his views, and may send him to the meeting as his representative, instead of appearing thereat in person.

EXPLANATION.—The term "Executive Engineer" in sub-sections (15) and (16) of this section includes the principal Engineering officer in or for the district.

Rights and privileges of individual councillors.

28. (1) Any councillor may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property or the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every councillor shall have the right to interpellate the president and to move resolutions on matters connected with the municipal administration, subject to such Regulations as may be framed by the council.

(3) Every councillor shall have access to the records of the municipal council after giving due notice to the president, provided that the president may for reasons given in writing forbid such access.

(2) *Committees.*

Committees.

29. The municipal council may constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual councillors or committees, to inquire into and report or advice on any matters which it may refer to them.

When persons other than councillors may serve on committees.

30. Notwithstanding anything contained in this Regulation, it shall be lawful for the municipal council from time to time, by a resolution supported by not less than one-half of the whole number of councillors, to appoint, as members of any committee under section 29, any persons who are not councillors, but who may in the opinion of such municipal council possess special qualifications for serving on such committees, provided that the number of persons so appointed on any committee shall not exceed one-half of the total number of the members of such committee.

All the provisions of this Regulation relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable so far as may be to such persons. Duties, etc. of such persons.

31. (1) The president, if a member of any committee, shall be *ex-officio* chairman thereof. When Chairman to be *ex-officio*.

(2) The vice-president, if appointed a member of any committee of which the president is not a member, shall be *ex-officio* chairman thereof.

(3) The municipal council may appoint a chairman for every committee of which there is no *ex-officio* chairman. When no *ex-officio* chairman, municipal council may appoint Chairman.

(4) Every committee, of which there is an *ex-officio* chairman or a chairman appointed by the municipal council, shall, at each meeting which such chairman does not attend, appoint from its members a chairman for such meeting. When *ex-officio* or appointed chairman does not attend meeting, committee may appoint chairman of meeting.

(5) Every committee, of which there is no *ex-officio* chairman or chairman appointed by the municipal council, shall appoint from time to time its own chairman from among its own members. If there is no chairman, *ex-officio* or appointed by the municipal council.

32. (1) The provisions of sub-sections (4), (9), (10) and (16) of section 27 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a municipal council contained in those provisions, and as if for the words "municipal council" where they occur in the proviso to clause (*a*) of sub-section (16) of section 27, there were substituted the word "committee." Procedure at meetings.

If the chairman of any committee has been absent from the municipality for a period exceeding fifteen days, the president or vice-president may, in his absence, call a meeting thereof:

Provided that notwithstanding anything to the contrary contained in sub-section (9) of section 27, committees may record their proceedings either in English or in Kannada as they may think fit.

(2) Committees may meet and adjourn as they think proper, but the chairman of a committee may, whenever he thinks fit, and shall, upon the written request of the Committees shall meet when they think proper.

president of the municipal council or of not less than two members of the committee, and for a date not more than two days after the presentation of such request call a special meeting of such committee.

Number of members required to form quorum at committee meetings.

(3) No business shall be transacted at any committee meeting unless more than one-third of the members of the committee be present thereat.

Procedure by circular.

33. (1) Notwithstanding anything contained in the preceding section, the chairman of a committee may, instead of convening a meeting, circulate a written proposition of his own, or of any other member of the committee or of any executive officer of the municipal council, for the observation and votes of the members of the committee.

Propositions when to be sent to Government officers for remarks.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (15) of sectoin 27, shall obtain thereupon the remarks, if any, which any Government officer, not a councillor, whose presence the municipal council would be entitled to require under the provisions of clause (*b*) of sub-section (16) of section 27, desires to record.

Decisions how to be taken on propositions circulated.

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition.

And how to be recorded

(4) Every decision arrived at by the committee under this section shall be recorded in the minute-book.

Subordination of committees to instructions of municipal council and compliance with requisitions of municipal council.

34. (1) Every committee shall conform to any instructions that may from itme to time be given to it by the municipal council; the municipal council may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorised or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.

Orders subject to revision and appeal.

(2) Every order passed by a committee appointed under section 29 shall be subject to revision by, and open to appeal to, the municipal council in accordance with rules that may be framed by the municipal council in this behalf.

(3) *Delegation of powers to individuals.*

Powers, duties and functions may be delegated to officers whose expenses may be paid.

35. Any powers or duties or executive functions which may be exercised or performed by or on behalf of the municipal council may be delegated, in accordance with rules to be made by the municipal council in this behalf, to the president or to the vice-president, or to the chairman of any committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on a chief officer under chapter XIII or on any committee by or under section 29; and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein.

(4) *Validity of Proceedings.*

Acts and proceedings of municipal council and committees not vitiated by disqualifications, etc., of members thereof.

36. (1) No disqualification of, or defect in the election or appointment of, any person acting as councillor, or as the president or presiding authority of a general meeting or as chairman of a committee appointed under this Regulation, shall be deemed to vitiate any act or proceeding of the municipal council or of any such committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

No resolution of a municipal council or of any committee appointed under this Regulation shall be deemed invalid on account of any irregularity in the service of notice upon any councillor or member, provided that the proceedings of the municipal council or committee were not prejudicially affected by such irregularity.

Proceedings of meetings to be good and valid, until the contrary is proved.

(2) Until the contrary is proved, every meeting of the municipal council or of a committee appointed under this Regulation, in respect of the proceedings whereof a minute has been made and signed in accordance with this Regulation, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

Vacancy not to affect municipal council's proceedings.

(3) During any vacancy in a municipal council or committee the continuing councillors or members may act as if no vacancy had occurred.

(5) *Joint transactions with other Bodies.*

Joint committees of two or more municipal councils.

37. A municipal council may from time to time join with any other municipal council constituted under this Regulation or under the Mysore City Municipalities Regulation, 1933, or the Mysore Minor Municipalities Regluation, 1933, or with any district board, or with more than one such municipal council or board,

(i) in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee;

(ii) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies; and

(iii) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the Government, or of such officer as it appoints in this behalf, shall be final.

(6) *Contracts.*

Competency of municipal council to lease, sell and contract.

38. (1) Every municipal council shall be competent, subject to the restrictions contained in sub-section (2), to lease, sell or otherwise transfer any movable or immovable property which may, for the purposes of this Regulation, have become vested in or been acquired by it and, so far as is not inconsistent with the provisions and purposes of this Regulation, to enter into and perform all such contracts as it may consider necessary or expedient in order to carry into effect the said provisions and purposes.

Subject in certain cases to sanction of Government.

(2) In the case of every free grant of immovable property whatever may be its value and of every lease for a term exceeding seven years, and of every sale or other transfer of immovable property exceeding one thousand rupees in value, the previous sanction of the Government is required.

(3) In the case—

(*a*) of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase of any immovable property,

(*b*) of every contract which will involve expenditure not covered by a budget grant,

(*c*) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

the sanction of the municipal council by a resolution passed at a general meeting is required.

Sanction by resolution at general meeting requisite to validity of certain contracts.

(4) In the case of a contract for the purchase of movable property, or for the sale of any movable property belonging to a municipal council; if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the municipal accounts exceeds one thousand rupees, the sanction of the municipal council is required.

Sanction of municipal council when requisite in other cases.

(5) Before any contract for the supply of materials or goods or for the execution of any work which will involve an expenditure exceeding two hundred rupees is entered into, tenders shall be publicly invited in such manner as may, from time to time, be determined by the municipal council from persons willing to enter into such contract and, when the estimated value exceeds five thousand rupees, no such contract shall be entered into without the previous approval of the Government or of an officer duly authorised by the Government in this behalf.

When tenders should be invited.

(6) In the case of every contract not otherwise provided for in the preceding sub-sections of this section, the sanction of such committee, or of such individual as under the provisions of this Regulation or of the rules for the time being in force thereunder, is empowered in this behalf, is required.

Sanction by committees and individuals empowered.

(7) Every contract entered into by or on behalf of a municipal council, other than a contract to which sub-section (6) applies, shall be in writing, and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the municipal council. Every contract to which sub-section (6) applies shall be executed by the chairman of such committee or by such other individual, as is empowered in that behalf, in such manner and form as, according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf.

Mode of executing contracts.

Invalidity of contracts unless requirements of section are fulfilled.

(8) No contract shall be binding on a municipal council unless the requirements of this section shall have been complied with.

(9) The provisions of this section shall be subject to the provisions of section 54 and chapter XIII.

Contracts by officers appointed by Government to execute municipal works and payment for such works.

39. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum, provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

(7) *Compulsory acquisition of land.*

Acquisition of land.

40. When any land, whether within or without the limits of the municipality, is required for the purposes of this Regulation, the Government may, at the request of the municipal council, proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894, and on payment by the municipal council, of the compensation awarded under that Regulation and of any other charges incurred by the Government in connection with the acquisition, the land shall vest in the municipal council.

(8) *Liabilities of councillors, officers and servants.*

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

41. (1) Except as herein otherwise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of, the municipal council; the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president and members for loss, waste or misapplication.

(2) Every councillor shall be liable for the misapplication of any money or other property owned by or vested in the municipal council, to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, the chief officer or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Regulation, shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been caused or facilitated by his misconduct.

Officer or servant of any municipal council not to be interested in any contract with such municipal council.

42. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, a municipal council, or in any employment with, under, by, or on behalf of, a municipal council, other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such municipal council.

Effect of acquiring such interest.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

Saving clause.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, under, by, or on behalf of, a municipal council as, under sub-clauses (*i*), (*ii*) and (*iv*) of clause (*c*) of the proviso to sub-section (1) of section 12, it is permissible for a person to have without his being thereby disqualified for being a councillor.

Penalty for councillor, officer or servant of a municipal council being interested in any contract, etc., with that municipal council.

43. (*a*) Any councillor who knowingly acquires directly or indirectly, any share or interest in any contract or employment with, under, by, or on behalf of, a municipal council of which he is a member, not being a share or interest such as, under section 12, it is permissible for a person to have, without being thereby disqualified for being a councillor, and,

(*b*) any municipal officer or servant who knowingly acquires, directly or indirectly, any share or interests in any contract, or except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by, or on behalf of, a municipal council of which he is an officer or servant, not being a share or interest such as under sub-clauses (*i*), (*ii*) and (*iv*) of clause (*c*) of the proviso to sub-section (1) of section 12, it is permissible for a person to have without being thereby disqualified for being a councillor,

shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees.

Notice to sweepers and scavengers before discharge.

44. (1) In the absence of a written contract to the contrary, every sweeper or scavenger employed by the municipal council shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Penalty for withdrawal of sweepers and scavengers without notice.

(2) Should any sweeper or scavenger employed by the municipal council, in the absence of a written contract authorising him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the municipal council, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

Application of sub-sections (1) and (2) to other municipal servants.

(3) The Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers or scavengers shall apply also to any specified class of municipal servants whose functions intimately concern the public health or safety.

Councillors, etc., to be deemed public servants.

45. (1) Every municipal councillor, officer or servant every auditor appointed under section 184 and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessees shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipal council.

CHAPTER IV.

Rules and By-laws.

Municipal councils to make rules.

46. Every municipal council shall make rules not inconsistent with this Regulation or with the rules made by the Government under section 204 and may from time to time alter or rescind them—

Regulating the conduct of business.

(*a*) regulating the conduct of its business and the delegation of any of its powers or duties and the appointment and constitution of committees;

Fixing the functions of the president and the establishment.

(*b*) (i) determining, the executive functions to be performed by the president, vice-president, the chairman of any committee, or the chief officer and the delegation of any of its powers or duties to such persons;

(ii) determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees and absentee or other

allowances of such officers and servants, and the powers and duties delegated to them under section 35;

(*c*) generally for the guidance of its officers and servants in all matters relating to the municipal administration; — For general guidance of municipal servants;

(*d*) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security; — Fixing the amount of the security to be furnished;

(*e*) determining the mode and conditions of appointing, punishing or dismissing any officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any officer or servant; — Determining mode of appointing, etc., municipal servants; delegating power to appoint, etc.

(*f*) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave; — Granting leave to municipal servants;

(*g*) authorising the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules, to any pension or provident fund which may be established by the municipal council or with the approval of the municipal council by the said officers and servants; — Contributing to provident funds.

(*h*) prescribing, subject to the provisions of chapter VII, the taxes to be levied in the municipality for municipal purposes, the circumstances in which exemption will be allowed, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes and the fees to be charged for licenses or permissions granted under section 78, and the times at which and the mode in which the same shall be levied or recovered or shall be payable, and prescribing the fees for notices demanding payments due on account of any tax, and for the execution of warrants of distress, and the rates to be charged for maintaining any live-stock distrained, and designating the persons authorised to receive payment of any sums so leviable and the manner in which auctions of movable property under section 92 shall be held; — Prescribing the taxes, etc., to be levied for municipal purposes.

(*i*) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax or on any other account may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted. — For writing off amounts due and remitting fees.

Provided that—

Approval required to rules.

(*i*) no rule made or any alteration or rescision of a rule made by a municipal council under this section shall have effect unless and until it has been approved by the Government.

(*ii*) no municipal council shall unless with the assent of the Government dispense with the service of any officer transferred from the service of the Government to the service of the municipal council or employed partly by the Government and partly by the municipal council or finally dispense from the service of the municipal council any officer transferred from the service of the municipal council to the service of this Government.

Power to suspend, reduce or abolish any existing tax.

47. (1) Subject to the requirements of proviso (i) to section 46, every municipal council may, except as otherwise provided in clause (*b*) of the proviso to section 81, at any time for any sufficient reason suspend, modify or abolish any existing tax by suspending, altering or rescinding, any rule prescribing such tax.

(2) The provisions of Chapter VII relating to the imposition of taxes shall apply so far as may be to the suspension, modification or abolition of any tax and to the suspension, alteration or rescision of any rule prescribing a tax.

Power to make by-laws.

48. (1) Every municipal council may from time to time, with the previous sanction of the Government make, alter or rescind by-laws, not inconsistent with this Regulation—

For markets and slaughter houses, etc.

(*a*) for the regulation and inspection of markets, all public places used for the sale of articles and slaughter-houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and cleanly conduct of business therein; for regulating the sale of fruit and vegetables in the municipal markets or other specified places; and for fixing the rents and other charges to be levied for the use of any of them which belong to the municipal council;

For licensing, regulating and inspecting certain businesses.

(*b*) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the municipal council—

(i) as a slaughter-house;

(ii) as a market or shop for the sale of animals intended for human food, or of meat, or of

fish, or as a market for the sale of fruit or vegetables;

(iii) for any of the purposes mentioned in section 158;

(iv) as a dairy, hotel, restaurant, eating house, coffee-house, sweetmeat-shop, bakery, boarding house, or lodging house (other than a students' hostel under public or recognised control) or for manufacturing ice or aerated waters;

(v) as a place for the preparation or manufacture of oil; or

(vi) for any other purpose for which the taking out of a license is or may be prescribed;

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious offensive, or dangerous effect arising or likely to arise therefrom;

Regulating the stalling of cattle, etc.

(c) prohibiting the stalling or herding of horses, camels, cattle, donkeys, sheep or goats, otherwise than in accordance with such regulations prescribed in such by-laws in regard to the number thereof, and the places to be used for the purpose, as may be necessary to prevent danger to the public health;

For regulating dairies and cattle-sheds.

(d) (i) for the inspection of milch-cattle; and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers;

Milk-stores, etc.

(ii) for securing the cleanliness of milk stores, milk shops and vessels used by milk-sellers or buttermen for milk or butter;

For inspection of weights and measures.

(e) for the inspection of instruments for weighing and weights and measures under section 153;

For the registration of births, etc.

(f) for the registration of births, deaths and marriages, and the taking of a census within the municipality and for enforcing the supply of such information as may be necessary to make such registration or census effective;

Regulating the disposal of the dead.

(g) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being

had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead;

For enforcing information as to epidemics.

(*h*) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 154 and 155;

For enforcing information as to liability to municipal taxation.

(*i*) for enforcing the supply of such information by inhabitants of the municipality as may be necessary to ascertain their respective liabilities to any tax imposed therein;

(*j*) for the numbering and registration of any vehicle liable to taxation under this Regulation;

Octroi by-laws.

(*k*) fixing octroi limits and stations; providing for the exhibition of tables of octroi; requiring a license to be obtained for the sale of any article liable to octroi and prescribing the conditions on or subject to which such license may be granted, refused, suspended or withdrawn, regulating, subject to any general or special orders which the Government may make in this behalf, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made;

Terminal Tax.

(*l*) fixing terminal tax limits and stations, providing for the exhibition of tables of terminal tax, and regulating the mode of recovery of such tax;

For protecting water.

(*m*) for conserving and preventing injury to sources and means of water-supply and appliances for the distribution of water whether within or without the limits of the municipality; and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of municipal water-works and of pipes and fittings in connection therewith, whether the property of the municipal council or not;

EXPLANATION.—Sources and means of water-supply shall include private wells which are used by the public.

Regulating public baths, etc.

(*n*) regulating the use of public bathing and washing places within municipal limits;

(*o*) regulating sanitation and conservancy ; For conservancy.

(*p*) regulating the conditions for the construction, use and disposal of houses intended for the poor under clause (c) of section 58 ; For constructing houses for the poor.

(*q*) regulating the disposal of carcasses of dead animals ; For the disposal of carcasses.

(*r*) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of, temporary structures on public streets or for projections over public streets, and regulating the structure and dimensions of plinths, walls, foundations, floors, roofs and chimneys of new buildings, for the purpose of securing stability and the prevention of fires, and for purposes of health ; Regulating structures and buildings.

(*s*) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufactories, places of public resort or for any other purpose. For regulating construction or use of buildings.

(*t*) for preventing the erection of buildings without adequate provision being made for the laying out and location of streets ; For providing for streets.

(*u*) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air ; For ensuring ventilation.

(*v*) regulating, in any other particular not specifically provided for in this Regulation, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cess-pools, water closets, privies, latrines, urinals, and drainage or sewerage works of every description, whether the property of the municipal council or not ; Control of drains.

(*w*) determining the information and plans to be required by the municipal council under section 109 ; Requiring information and plans in certain cases.

(*x*) prohibiting the transit of any vehicles of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles For controlling unwieldy traffic.

or to pedestrians, along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally in such by-laws, or in special licenses to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such by-laws;

provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the municipal council in conspicuous places at or near both ends of such street or portion of a street;

Public parks.

(*y*) securing the protection of public parks, gardens and open spaces, vested in or under the control of the municipal council, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them;

For licensing factories, the use of steam whistler, etc.

(*z*) prescribing the conditions on or subject to which and the circumstances in and the areas or localities in respect of which licenses may be granted, refused, suspended or withdrawn for the establishment in any premises, of any factory, as defined in the Mysore Factories Regulation, 1914, or for the use of whistles and trumpets operated by steam, mechanical means or electricity in factories or other places for the purposes of summoning or dismissing workmen or persons employed;

(*aa*) generally for the regulation of all matters relating to municipal administration.

Fine may be imposed for infringement of by-laws.

And every municipal council may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such by-law.

Publication of drafts of proposed by-laws.

(2) Every municipal council shall, before making any by-law under this section, publish in such manner as shall in its opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making the by-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

(3) When any by-law made by a municipal council is submitted to the Government for sanction, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said by-law. Objections and suggestions to be submitted to Government.

49. The rules and by-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times, and printed copies thereof and of this Regulation in Kannada shall be kept on sale at cost price. Rules and by-laws to be printed and sold.

CHAPTER V.

Municipal Property and Fund.

50. (1) Every municipal council may acquire and hold property both movable and immovable, whether within or without the limits of the municipality. Power to acquire and hold property.

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the Government, shall be vested in and belong to the municipal council and shall, together with all other property of what nature or kind soever, not being specially reserved by the Government, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee subject to the provisions and for the purposes of this Regulation; that is to say— Property vested in the municipal council.

(*a*) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots;

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cess-pools or elsewhere;

(*d*) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto;

(*e*) all lands and buildings transferred to it by the Government, or by gift or otherwise, for local public purposes;

(*f*) all public streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

Power to Government to resume property.

(3) It shall be competent to the Government from time to time, by notification, to resume any property vested or vesting in the municipal council under this section on such terms as the Government may determine.

Municipal fund.

51. All money received by or on behalf of the municipal council by virtue of this or any other Regulation; all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by it under this Regulation; all proceeds of land or other property sold by the municipal councils, and all rents accruing from its land or property; as also all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise, shall constitute the municipal fund, and shall be held and dealt with in a similar manner to the property mentioned in the last preceding section:

Provision as to special trusts.

Provided that nothing in this section, or in the last preceding section, shall in any way affect any obligations accepted by or imposed upon any municipal council by any declarations of trust executed by or on behalf of such municipal council, or by any scheme settled by order of the Government for the administration of any trust.

Application of municipal fund and property.

52. The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in sections 55, 56 and 58 and for all other purposes for which by or under this Regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests.

Power to deposit and invest surplus funds.

53. (1) It shall be lawful for the municipal council to deposit at interest with the Government savings bank, or with the sanction of the Government in any other bank in or outside of Mysore, any surplus funds in its hands which may not be required for current charges, and, with the like sanction to invest such funds in public securities in the name of the municipal council, and from time to time dispose of such securities as may be necessary.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1) be deposited in the local Government treasury, or such other place of security as may be sanctioned by the Government. Surplus not so deposited or invested how to be dealt with.

54. A municipal council may in pursuance of a resolution passed at a special general meeting and with the previous sanction of the Government and subject to such conditions as may be prescribed by the Government as to security, the rate of interest and the repayment of principal and interest, borrow either from the Government or from any person, any sum of money required for constructing any work of a permanent natuie which it is required or empowered to undertake under the provisions of this Regulation. Power of municipal councils to borrow money.

CHAPTER VI.

Obligatory and Discretional Functions of Municipal Councils.

55. It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely :— Duties of municipal councils.

(*a*) lighting public streets, places and buildings ;

(*b*) watering public streets and places ;

(*c*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or not ; removing noxious vegetation ; and abating all public nuisances ;

(*d*) extinguishing fires, and protecting life and property when fires occur ;

(*e*) regulating or abating offensive or dangerous trades or practices ;

(*f*) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or belong to the Government ;

(*g*) securing or removing dangerous buildings or places, and reclaiming unhealthy localities ;

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead ;

(*i*) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets,

slaughter-houses, latrines, privies, urinals, drains, sewers, drainage-works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams, and the like;

(*j*) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost;

(*k*) naming streets and numbering houses;

(*l*) registering births and deaths;

(*m*) public vaccination;

(*n*) suitable accommodation for any calves, cows, or buffaloes required within the municipality for the supply of animal lymph;

(*o*) establishing and maintaining public hospitals and dispensaries, and providing public medical relief;

(*p*) arranging for the destruction or the detention and preservation of such dogs within the municipality as may be dealt with under the law in force relating to police or under section 135 of this Regulation;

(*q*) providing facilities for anti-rabic treatment and meeting the expenses of indigent persons undergoing anti-rabic treatment within or outside the municipal limits;

(*r*) housing and maintaining destitute orphans and destitute cripples;

(*s*) printing such annual reports on the municipal administration of the municipality as the Government by general or special orders requires the municipal council to submit;

(*t*) paying the salary and the contingent expenditure on account of such police or guards as may be required by the municipal council for the purposes of this Regulation or for the protection of any municipal property, and providing such accommodation as may be required by the Government under the law in force relating to police.

Special duties.

56. Subject to such reasonable provision as is mentioned in section 55, every municipal council shall make reasonable provision for the following special matters, namely:—

(*a*) providing special medical aid and accommodation for the sick in time of dangerous disease; and taking such measures as may be required to prevent the outbreak, or suppress and prevent the recurrence, of the disease;

(*b*) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipality.

Power of Government to exempt municipal council from any of the duties.

57. Notwithstanding anything contained in sections 55 and 56, the Government may exempt any municipal council from any of the provisions of those sections or may, declare that in regard to any municipal council any of the duties specified in the aforesaid sections shall be deemed to be discretionary duties within the meaning of section 58.

Discretionary powers of expenditure of municipal council.

58. Municipal councils may, at their discretion provide out of the said property and fund, either wholly or partly, for—

(*a*) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, including the land requisite for the construction of buildings or curtilages thereof, to about on such streets ;

(*b*) constructing, establishing, or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharmasalas, rest-houses and other public buildings ;

(*c*) constructing and maintaining, where necessary, suitable sanitary houses for the habitation of the poor and granting loans for the construction of such houses or for effecting necessary improvements connected therewith ;

(*d*) providing accommodation for any class of servants employed by the municipal council or granting loans to such servants for construction of houses subject to the rules prescribed in this behalf ;

(*e*) granting loans to encourage local arts and industries ;

(*f*) planting and maintaining roadside and other trees;

(*g*) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics ;

(*h*) making a survey ;

(*i*) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in section 158 ;

(*j*) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the municipal council ;

(*k*) establishing and maintaining a farm or factory for the disposal of sewage ;

(*l*) providing music for the people ;

(*m*) the promotion of public health or infant welfare;

(*n*) contribution towards any public fund raised for the relief of human suffering within or without the municipality ;

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(*o*) by a resolution passed at a general meeting and supported by one-half of the whole number of councillors, and with the previous sanction of the Deputy Commissioner, any public reception, ceremony, entertainment or exhibition within the municipality; and

(*p*) the organisation or maintenance during scarcity of shops or stalls for the sale of necessaries of life;

(*q*) any other matter not hereinbefore specifically named which is likely to promote education or the public health, safety or convenience or the advancement of the economic condition of the inhabitants or which is necessary for the carrying out of this Regulation expenditure whereon is resolved by the municipal council by the votes of not less than two-thirds of the whole number of councillors and with the approval of the Government to be an appropriate charge on the municipal fund.

Arrangements purporting to be binding permanently or for a term of years.

59. When a municipal council has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for and unlimited period, to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the municipal council or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that it shall have given at least twelve months' notice of its intention so to do to the manager or managers of such institution.

Management of public institutions maintained by municipal councils to vest in it.

60. The management, conrtol and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council by which it is maintained.

CHAPTER VII.

Municipal Taxation.

(1) *Imposition of taxes.*

Taxes which may be imposed.

61. Any municipal council—

(*a*) after observing the preliminary procedure required by section 62, and

(*b*) with the sanction of the Government, and subject to such modifications or conditions as under section 63, the

Government in according such sanction deems fit, may impose, for the purposes of this Regulation, any one or more of the following taxes at rates not exceeding these prescribed in schedules I to VI, that is to say,—

(*i*) a rate on buildings or lands or both situated within the municipality;

(*ii*) a tax on all or any vehicles, boats or animals used for riding, draught or burden, kept within the said municipality for use;

(*iii*) a toll on vehicles entering the said municipality, but not liable to taxation under the clause last preceding;

(*iv*) an octroi on animals or goods, or both brought within the octroi limits for comsumption or use therein;

(*v*) a terminal tax on goods imported or exported from the terminal tax limits:

provided that a terminal tax and an octroi shall not be in force in any municipality at the same time;

(*vi*) a tax on dogs kept within the said municipality;

(*vii*) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required;

(*viii*) a general sanitary cess for the construction or maintenance or both construction and maintenance, of public latrines, and for the removal and disposal of refuse;

(*ix*) a water-rate or water-rates for water supplied by the municipal council, which may be imposed in the form of a rate assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case;

(*x*) a lighting tax;

(*xi*) a tax on arts, professions, trades and callings and on offices and appointments;

(*xii*) a tax on shops and other places where a business or profession is carried on for purpose of profit, payable by the person or persons engaged in the business or profession:

provided that where the municipal council elects to levy a tax under this clause, the person or persons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause (*xi*) in respect of the business or professions carried on in the shop or place;

(*xiii*) any other tax to the nature and object of which the approval of the Government shall have been obtained prior to the selection contemplated in clause (*a*) of section 62.

Provided that—

(*a*) no tax imposed as aforesaid other than a special sanitary cess or water-rate shall, without the express consent of the Government, be leviable in respect of—

(i) any building or part of any building belonging to the Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit;

(ii) any vehicle, animal or other property belonging to the Government and used solely for public purposes and not used or intended to be used for purpose of profit;

(iii) any building or part of a building used as a place of public worship or used for a charitable purpose;

(*b*) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of His Highness the Maharaja or His Highness the Yuvaraja or for the location of the establishments of His Highness the Maharaja or His Highness the Yuvaraja, or in respect of any vehicle, animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja;

(*c*) no toll shall be leviable in respect of any vehicle used for the passage of troops or the conveyance of the property of His Highness the Maharaja or His Highness the Yuvaraja or of Government stores or of any other Government property or for the passage of military or police officers on duty or the passage or conveyance of any person or property in their custody;

(*d*) the Government may by order grant and define other exemptions in exceptional cases from payment of tolls or other taxes imposed under this Regulation;

(*e*) no tax shall be leviable in respect of horses, being registered chargers of the officers of the Mysore State Troops or of the British Indian Army, or in respect of one bicycle and one horse kept by the members of the Mysore police force for the performance of their official duties;

(*f*) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds, unless and until the municipal council has—

(i) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers, and

(ii) issued either severally to the persons to be charged, or generally to the inhabitants of the municipality or part of the municipality to be charged with such cess, one month's notice of the intention of the municipal council to perform such cleansing and to levy such cess;

(*g*) the municipal council, in lieu of imposing separately any two or more of the taxes described in clauses (i), (viii), (ix) and (x), may impose a consolidated tax, assessed as a rate on buildings or lands, or both, situated within the municipality.

Procedure preliminary to imposing tax.

62. A municipal council before imposing a tax shall observe the following preliminary procedure:—

(*a*) it shall, by resolution passed at a general meeting, select for the purpose one or other of the taxes specified in section 61 and prepare rules for the purposes of clause (*h*) of section 46, prescribing the tax selected, and in such resolution and in such rules specify—

(*i*) the classes of persons or of property or of both which the municipal council proposes to make liable, and any exemptions which it proposes to make;

(*ii*) the amount or rate at which the municipal council proposes to assess each such class;

(*iii*) in the case of a rate on buildings or lands or both, the basis, for each class, of the valuation on which such rate is to be imposed;

(*iv*) all other matters which the Government may require to be specified therein.

(*b*) When such resolution has been passed, the municipal council shall publish the rules so prepared with a notice in the form of schedule VII prefixed thereto.

(*c*) Any inhabitant of the municipality objecting to the imposition of the said tax or to the amount or rate proposed, or to the classes of persons or property to be made liable thereto or to any exemptions proposed, may, within one month from the publication of the said notice, send his objection in writing to the municipal council; the municipal council shall take all such objections into consideration, or shall authorise a committee to consider the same and report thereon; and, unless it decides to abandon the proposed tax, shall submit such objections with its opinion thereon and any modifications proposed in accordance therewith, together with the notice and rules aforesaid to the Government.

Power to sanction, modify and impose conditions.

63. The Government may either refuse to sanction the rules submitted, or may return them to the municipal council for further consideration, or if no objection, or no objection which is in its opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

(*a*) without modification, or

(*b*) subject

(i) to such modifications not involving an increase of the amount to be imposed or,

(ii) to such conditions as to the application within the municipality to any purpose or purposes of this Regulation specified in such conditions, of the whole or any part of the proceeds of such tax, as it deems fit.

Publication of sanctioned rules with notice.

64. All rules sanctioned under section 63 with all modifications subject to which the sanction is given, shall be published by the municipal council in the municipality for which they are prescribed, together with a notice reciting the sanction and the date and serial number thereof, and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the municipal council in accordance with all conditions, if any, subject to which under section 63 the sanction was given :

Provided that—

(*a*) a tax leviable by the year—

(i) shall not come into force except on one of the following dates, *viz.*, the first day of July—the first day of October—the first day of January—the first day of April—in the official year in which such notice is published, and,

(ii) if it comes into force on any day other than the first of July it shall be leviable by the quarter, till the first day of July then next ensuing,

(*b*) on or before the day on which a notice is issued under this section, the municipal council shall publish such further detailed rules as may be required, and as may have been approved by the Government under proviso (i) to section 46, prescribing the mode of levying and

recovering the tax therein specified, and the dates on which it or the instalments, if any, thereof, shall be payable,

(*c*) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

(2) *Assessment of and liability to rates.*

Appointment of assessor.

65. (1) For assessing taxes imposed in the form of a rate on buildings or lands or both in each municipality, the Government shall appoint an assessor.

(2) The municipal council shall afford all clerical and other necessary help to the assessor to discharge his duties under the Regulation and shall bear all expenditure incidental thereto.

Preparation of an assessment list.

66. (1) When a rate on buildings or lands or both is imposed, the assessor shall cause an assessment-list of all buildings, or lands, or buildings and lands in the municipality to be prepared, containing—

(*a*) the name of the street or division in which the property is situated;

(*b*) the designation of the property, either by name or by number, sufficient for identification;

(*c*) the names of the owner and occupier, if known;

(*d*) the annual letting value or other valuation on which the property is assessed; and

(*e*) the amount of the tax assessed thereon.

Power to inspect.

(2) For the purpose of making such assessment as aforesaid, the assessor and any person appointed to assist him in his work may make an inspection of such property.

Returns to be furnished.

(3) On the requisition of the assessor, the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature—

(*a*) as to the name and place of abode of the owner or occupier or of both;

(*b*) as to the dimensions of such building or land and the annual letting value or other valuation thereof.

Person primarily liable for a rate on buildings or lands or both how to be designated if his name cannot be ascertained.

67. (1) When the name of the person primarily liable for the payment of a rate on buildings or lands or both in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment list, and in any notice which it may be necessary to serve upon the said person under this Regulation, "the holder" of such premises, without further description.

Occupier liable for a rate on buildings or lands or both until he gives information.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all rates on buildings or lands or both leviable on the premises of which he is in occupation.

Publication of notice of assessment list.

68. When the assessment list has been completed the assessor shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment list.

69. (1) The assessor shall, at the time of the publication of such assessment list, give public notice of a time, not less than one month thereafter, when the revising authority will proceed to revise the valuation and assessment; and, in all cases in which any property is for the first time assessed or the assessment is increased, the assessor shall also give notice thereof to the owner or occupier of the property, if known and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous place on the property.

Revising authority.

(2) The revising authority to whom objections under sub-section (1) may be made shall be the municipal council or any committee to which the municipal council may delegate this function or an officer of the Government to whom with the permission of the Government the municipal council may delegate this function.

Objections how to be made.

(3) All objections to the valuation and assessment shall be made to the assessor before the time fixed in the notice, by application in writing stating the grounds on which the valuation and assessment are disputed, and all applications so made shall be registered in a book to be kept by the assessor for the purpose.

Hearing of objections.

(4) The revising authority shall, after allowing the applicant an opportunity of being heard in person or by agent,

(a) investigate and dispose of the objections,

(b) cause the result thereof to be noted in the book kept under sub-section (3), and

(c) cause any amendment necessary in accordance with such result to be made in the assessment list.

Authentication of list.

(5) When all objections made under this section have been disposed of and all amendments required by sub-section (4) have been made in the assessment list, the said list shall be authenticated by the revising authority.

Custody and inspection of list.

(6) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property specified therein, or to the agents of such persons and a notice that it is so open shall be forthwith published.

Authenticated list how far conclusive.

(7) Subject—(a) to such alterations as may thereafter be made therein, under the provisions of the next following section, and

(b) to the result of any appeal made under section 96,

the entries in the list so authenticated and deposited shall be accepted as conclusive evidence—

(i) for the purposes of all municipal taxes of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings or lands of the amount of each such tax leviable thereon throughout the official year to which such list relates.

Amendment of assessment list.

70. (1) The municipal council may at any time alter the assessment list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake, or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made.

Objections how dealt with.

(2) An objection made by any person interested in any such alteration, before the time fixed in such notice,

and in the manner provided by sub-section (3) of section 69, shall be dealt with in all respects as if it were an application under the said section.

Effect of amendment.

(3) An entry or alteration made under this section shall, subject to the provisions of section 96, have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other cases, on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed; and the tax or the enhanced tax, as the case may be, shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year.

New assessment list need not be prepared every year.

71. (1) It shall not be necessary to prepare a new assessment list every year. Subject to the condition that every part of the assessment list shall be completely revised not less than once in every four years, the assessor may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.

(2) But the provisions of sections 68, 69 and 70 shall be applicable every year as if a new assessment list had been completed at the commencement of the official year.

Tax from whom primarily leviable.

72. Every tax imposed in the form of a rate on buildings or lands or on both shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or lands, or holds them on a building or other lease from the Government or from the municipal council, or on a building lease from any person. Otherwise, the said tax shall be primarily leviable as follows, namely:

(*a*) if the property is let, from the lessor;

(*b*) if the property is sublet, from the superior lessor;

(*c*) if the property is unlet, from the person in whom the right to let the same vests:

Recovery from occupiers.

Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due, as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to

the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list, whichever of those two amounts is the greater.

Remedy of occupier in such case.

Provided further, that for any sum paid by, or recovered from, any occupier who is not primarily liable under this section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum.

Notice to be given to municipal council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.

73. (1) Whenever the title of any person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings, or lands or both to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall give notice on such transfer in writing to the municipal council.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give notice of such transfer to the municipal council.

Form of notice.

74. (1) The notice to be given under the last preceding section shall be in the form either of schedule VIII or schedule IX, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the municipal council may, if it thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Mysore Registration Regulation, 1903.

Name of transferee to be substituted in the municipal registers.

75. Whenever such transfer comes to the knowledge of the municipal council either through such notice or otherwise, and after such enquiry as may be necessary, the name of the transferee shall be substituted in the municipal registers for that of the person primarly responsible.

Liability for payment of taxes on buildings or lands to continue in the absence of notice of transfer.

76. (1) Every person, primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands, who transfers his title to or over such premises without giving notice of such transfer to the municipal council as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all taxes from time to time payable in respect of the said premises, until he gives such notice, or until the transfer shall have been recorded in the registers of the municipal council.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the municipal council on the premises conferred by section 97 for the recovery of the taxes due thereupon.

Remission of tax in case of vacancies; when obligatory.

77. (1) Where any building or land which is assessed to a rate based on the annual letting value and payable by the year or in respect of which a special sanitary cess is payable by the year, or by instalments, has remained vacant and unproductive of rent throughout the year or portion of the year for which the rate is leviable or throughout the period in respect of which any such instalment is payable, the municipal council shall remit or refund not less than two-thirds of the amount of the rate, or of the cess, or instalment of the cess, as the case may be:

Provided that no such remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the municipal council, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

When discretional.

(2) When any such building or land as aforesaid—

(*a*) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(*b*) consists of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(*c*) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value,

the municipal council may remit or refund such portion, if any, of the rate or cess or instalment as it may think equitable.

Burden of proof on claimant.

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him.

Explanatory clause.

(4) For the purposes of this section a building or land shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

(3) *Power to charge fees.*

Municipal council may charge fee for certain licenses.

78. (1) When any license is granted by the municipal council under this Regulation, or when permission is given by it for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the municipal

council, the municipal council may charge a fee for such license or permission.

Levy of fees for unauthorised occupation or projection.

(2) The municipal council may charge a higher fee by way of penalty for any erection, or projection, or for the use or occupation of any public street or other land vested in the municipal council by any person without its permission or license. Such fee shall be leviable irrespective of any other penalty or liability to which the person liable to pay the same may be subject under any other provision of this Regulation or any other law for the time being in force. The rates of such higher fees shall be determined by rules.

Market and other fees.

(3) The municipal council may also charge such fees as may be fixed by bye-laws under clause (*a*) of sub-section (1) of section 48 for the use of any such places mentioned in that sub-section, as belong to the municipal council.

Farming of fees.

(4) It shall be lawful for the municipal council to lease the levy of any fee that may be imposed under sub-section (3) by public auction or private contract.

Power of lessee to expel persons who refuse to pay fees.

(5) When any fee has been leased under sub-section (4), any person employed by the lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it.

(4) *Special provisions relating to certain taxes.*

Composition of toll.

79. (1) The municipal council may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the municipal council and to be paid monthly, quarterly, or half-yearly in advance in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle within the limits of the municipality, provided that the sum charged shall not be less than one-half of the amount which such persons would have been liable to pay if the vehicle had to pay toll once every day during the period for which the pass is issued.

Recovery of sums claimed under this section.

(2) Every sum claimed by the municipal council as a lumpsum payable under sub-section (1) shall for the purposes of chapter VIII be deemed to be, and shall be recoverabe in the same manner as, an amount claimed on account of any tax recoverable under the said chapter.

Power of Government to suspend or prohibit levy of objectionable taxes.

80. If it shall at any time appear to the Government, on complaint made or otherwise, that any tax, leviable by a municipal council, is unfair in its incidence or that the levy thereof or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said municipal council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if, within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification in the Official Gazette, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Government may, at any time, by a like notification, rescind any such suspension.

Power of Government to require municipal council to impose taxes.

81. Whenever it appears to the Government that the balance of the municipal fund of any municipal council is insufficient for meeting the expenditure incurred under section 195 or under section 197 or for the performance of any duties in respect of which it shall have been declared under section 200 to have committed default, the Government may by notification require the municipal council to impose, within the municipality, any such tax specified in the notification as may be imposed under section 61 if no such tax is at the time imposed therein, or to enhance any existing tax in such manner or to such extent as the Government considers fit, and the municipal council shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this chapter, as if a resolution of the municipal council had been passed for the purpose under section 62 :

Provided that—

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may make against the imposition or enhancement of such tax,

(*b*) it shall not be lawful for the municipal council to abandon or modify or to abolish such tax when imposed, and

(*c*) the Government may at any time cancel or modify any requisition made by it under this section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

(5) *Octroi and tolls.*

Octroi bye-laws to be submitted with proposal for imposition of octroi.

82. Every municipal council when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for sanction a draft of bye-laws for the purposes of clause (*k*) of sub-section (1) of section 48, after observing the requirements of sub-sections (2) and (3) of that section.

Power to examine articles liable to octroi.

83. (1) Every person bringing into, or receiving from beyond, the octroi limits of a municipality any article on which octroi is payable shall, when required by an officer authorised in this behalf by the municipal council and so far as may be necessary for ascertaining the amount of tax chargeable,

(*a*) permit that officer to inspect, examine and weigh and otherwise deal with the article, and

(*b*) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article.

Power to search where octroi is leviable.

(2) If any person bringing into, or receiving from beyond the octroi limits of a municipality in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorised by the municipal council in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a magistrate or such officer of the municipal council as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Presentation of bills for octroi.

84. (1) Every officer demanding octroi by the authority of the municipal council shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

Penalty for evasion of octroi.

(2) If goods passing into a municipality are liable to the payment of octroi, then every person who, with the intention to defraud the municipal council, causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the said municipality, any such goods upon which payment of the octrodue on such introduction has neither been made nor tend

ered, shall on conviction by a magistrate be punishable with fine which may extend to ten times the value of such octroi or to fifty rupees whichever may be greater.

Penalty for selling articles liable to octroi without a license or for being in possession of any such article on which octroi has not been paid.

85. (1) Any person selling or keeping for sale without a license any article liable to octroi for the sale of which a license is required to be obtained, or having in his possession any such article on which octroi has not been paid shall be liable, on conviction before a magistrate, to a fine not exceeding ten times the octroi due on all the articles so sold or kept for sale, or possessed, or one hundred rupees whichever may be greater; and

Seizure of articles on which octroi duty has not been paid and arrest of persons in possession of such articles.

(2) Any officer of the municipal council authorised by the municipal council in this behalf, if he has reason to believe that any such article on which octroi has not been paid, is kept or concealed in any premises, may after obtaining the warrant of a magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Provided that any article or person so seized or arrested shall be produced before a magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any such article not exceeding two hundred rupees in value kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

Searches and arrests to be governed by the provision of the Criminal Procedure Code.

(3) The provisions of the Code of Criminal Procedure shall, so far as may be, apply to all searches and arrests effected under this section.

Tables of tolls to be shown on demand.

86. Every municipal council imposing any toll under this Regulation shall cause to be kept at each place, where such toll is to be collected a table in Kannada showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments, and it shall be the duty of every person authorised to demand payment of a toll, to show such table, on the request of any person on whom such demand is made.

87. (1) In the case of non-payment on demand of any octroi or of any toll leviable by a municipal council, the person appointed to collect such octroi or toll may seize any article on which the octroi is chargeable or any vehicle on which the toll is chargeable, or any part of its burden, which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, or article seized a list of the property together with a written notice in the form of schedule XII.

Power to seize vehicle on non-payment of octroi or toll.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

Notice of sale.

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the municipal office the amount of all expenses incurred, and of the octroi or toll payable, the municipal council shall forthwith release the property seized.

Release of property on payment.

(4) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such octroi or toll and the expenses incidental to the seizure, detention and sale.

Sale.

(5) The surplus, if any, of the sale proceeds shall be credited to the municipal fund, and may, on application made to the municipal council in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the municipal council.

Surplus how dealt with.

88. The municipal council, if it thinks fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the municipality, may at any time direct that an account current shall be kept on behalf of the municipal council of the octroi so due from any such firm or body as the municipal council specifies in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the municipal council or any committee or officer authorised

Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

by it in this behalf, shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues. Every amount so due at the expiry of any such interval shall, for the purposes of chapter VIII, be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter.

Farming of tolls.

89. (1) It shall be lawful for the municipal council to lease annually the levy of any toll that may be imposed under this Regulation by public auction or private contract.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of section 87; provided that no article distrained may be sold except under the orders of the municipal council.

CHAPTER VIII.

Recovery of Municipal Claims.

Presentation of bill for taxes.

90. (1) When any amount—

(*a*) which, by or under any provisions of this Regulation, is declared to be recoverable in the manner provided by this chapter, or

(*b*) which, not being leviable under sub-section (1) of section 87, or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which is now imposed or hereafter may be imposed in any municipality,

shall have become due, the municipal council shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

(2) Every such bill shall specify—

Contents of bill.

(*a*) the period for which, and

(*b*) the property, occupation or thing in respect of which,

the sum is claimed, and shall also give notice of—

(i) the liability incurred in default of payment, and of

(ii) the time within which an appeal may be preferred as hereinafter provided against such claim.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorised by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the municipal council may cause to be served upon the person to whom such bill has been presented a notice of demand in the form of schedule X, or to the like effect.

If bill not paid within fifteen days, notice of demand to issue.

91. (1) If the person on whom a notice of demand has been served under section 90, sub-section (3), does not, within fifteen days from the service of such notice of demand, either—

In what cases warrant may issue.

(*a*) pay the sum demanded in the notice, or

(*b*) show cause to the satisfaction of the municipal council, or of such officer as the municipal council by rule may appoint in this behalf, or of the chief officer, if any, why he should not pay the same, or

(*c*) prefer an appeal in accordance with the provisions of section 96 against the demand,

such sum with all costs of the recovery may be levied under a warrant caused to be issued by the municipal council in the form of schedule XI or to the like effect, by distress and sale of the movable property of the defaulter.

(2) Every warrant issued under this section shall be signed by the president of the municipal council causing the same to be issued, or by the chief officer, if any.

Warrant by whom to be signed.

(3) Where the property is in the area under the control of the municipal council, the warrant shall be addressed to an officer of the municipal council. Where the property is in another municipality constituted under this Regulation or the Mysore City Municipalities Regulation, 1933, or under the Mysore Minor Municipalities Regulation, 1933, or in a place which is not a municipality constituted under the aforesaid Regulations, the warrant shall be addressed to the president of the municipal council concerned or to the Amildar of the taluk as the case may be ; provided that such president or Amildar may endorse such warrant to a subordinate officer.

To whom the warrant should be addressed.

(4) It shall be lawful, for any officer to whom a warrant issued under sub-section (2) is addressed or endorsed, if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is

Power of entry under special order.

liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance.

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given three hours' notice of his intention, and has given such women an opportunity to remove.

Warrant how to be executed.

(5) It shall also be lawful for any such officer, if authorised by the warrant, to distrain, wherever it may be found, any movable property of the person named in the warrant issued under sub-section (1) as defaulter, subject to the following conditions, exceptions and exemptions, namely :—

(*a*) The following property shall not be distrained :—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artizans,

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood.

(*b*) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under sub-section (2) to sign a warrant or of the person to whom the warrant was addressed, should not have been so distrained, they shall forthwith be returned.

(*c*) The officer shall on distraining the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of distraint, a written notice in the form of schedule XII.

Sale of goods distrained in special cases.

92. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the president or officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

(2) If not sold at once under sub-section (1), the property distrained or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant and distress and detention of the property, is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the municipal council, and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid. Sale of property distrained; application of proceeds of sale.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint but if the same be claimed by written application to the municipal council within one year from the date of the notice given under this sub-section, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the municipal council. Surplus, if any, how dealt with.

93. Where the warrant is addressed outside the municipality, the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply *mutatis mutandis*. Such officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued, who shall dispose of the same in accordance with the provisions of section 92. Distraint and sale outside the municipality.

94. (1) If the municipal council shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this chapter is due or is about to become due, is about to remove from the municipal area, the municipal council may cause a bill for the sum due or about to become due to be presented to such person and demand immediate payment thereof. Summary proceedings may be taken against persons about to leave the municipality.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the movable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of

demand and the municipal council's warrant for distress and sale may be issued and executed without any delay.

Fees and costs chargeable.

95. Fees for—

(*a*) every notice issued under sub-section (3) of section 90,

(*b*) every distress made under sub-section (5) of section 91, and

(*c*) the costs of maintaining any live-stock seized under the said sub-section,

shall be chargeable at the rates, respectively, specified in such behalf in the rules of the municipal council, and shall be included in the costs of recovery to be levied under section 92.

Appeal to magistrates.

96. (1) Appeals against any notice of demand issued under sub-section (3) of section 90, may be made to any magistrate or bench of magistrates by whom, under the directions of the Government or of the District Magistrate, such class of cases is to be tried.

But no such appeal shall be heard and determined unless—

(*a*) the appeal is brought within one month next after service of the notice of demand complained of; and

(*b*) an application in writing, stating the grounds on which the claim is disputed, has been made as follows, that is to say:

(i) in the case of a rate on buildings or lands, to the assessor or the municipal council, as the case may be within the time fixed in the notice given under section 69 or 70 of the assessment or alteration thereof, according to which the bill is prepared,

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 90, to the municipal council within fifteen days next after the presentation of such bill, and

(*c*) the amount claimed from the appellant has been deposited by him in the municipal office.

Revision of decisions on appeal.

(2) The decision of the magistrate or bench of magistrates upon any appeal, shall at the instance of either party, be subject to revision by the court to which appeals from his or their decisions ordinarily lie.

(3) Effect shall be given by the municipal council to every decision of the said magistrate or bench of magistrates on any appeal or any decision in revision on such appeal.

97. All sums due on account of any tax imposed in the form of a rate on lands or buildings, or on both, mentioned in section 72, shall subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the building or land, in respect of which such tax is leviable, and upon the movable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes : Liability of land buildings, etc., for rates.

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

98. The Government may at any time by notification suspend the operation of sections 91 and 92, in any municipality, and from such date as shall be fixed in this behalf in the notification, every amount due on account of any tax theretofore recoverable under the said sections, shall be recoverable on application to a magistrate, in the manner provided in sub-section (2) of section 170 for the recovery of such fines as are therein referred to, and not otherwise. Suspension of power to recover by distress and sale.

99. For all sums paid on account of any tax under this Regulation, a receipt stating the amount, and the tax on account of which it has been paid shall be tendered by the person receiving the same. Receipts to be given for all payments.

CHAPTER IX.

MUNICIPAL POWERS AND OFFENCES.

(1) *Powers in respect of streets.*

100. (1) It shall be lawful for the municipal council to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge, or otherwise improve any such streets, and to turn, divert, discontinue, or stop up any such streets, and, subject to the provisions of sub-section (2) of section 38, to lease or sell any such land theretofore used or acquired by the municipal council for the purposes of such streets, as may not be required for any public street or for any other purposes of this Regulation. Power regarding street, etc.

(2) In lying out or making or in turning, diverting, widening, opening, enlarging, or otherwise improving any

public street, in addition to the land required for the carriage-way and foot-ways and drains thereof, the municipal council may purchase the land necessary for the houses and buildings to form the said street, and, subject to the provision contained in sub-section (2) of section 38, may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may think fit.

Temporary closure of streets.

101. The municipal council may, by an order in writing, temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes of this Regulation.

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

The regular line of public street.

102. (1) It shall be lawful for such municipal council as may be notified by the Government in this behalf, to prescribe a line on either side or both sides of any public street within the municipality and the municipal council may from time to time prescribe a fresh line in substitution of any line so prescribed, or for any part thereof.

Provided that—

(*a*) at least one month previous to prescribing such line or such fresh line, as the case may be, the municipal council shall notify the same in the Official Gazette and shall give public notice of it and it shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment ;

(*b*) the municipal council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the municipal council within such time as it may specify in such public or special notice ; and

(*c*) the municipal council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public.

(2) The line for the time being so prescribed shall be called the 'regular line of the public street.'

(3) (*a*) Except under the provisions of section 123, no person shall construct or reconstruct any portion of any building, within the regular line of the public street without the permission of the municipal council under section 109.

(*b*) Where the municipal council refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall thenceforth be vested in the municipal council and deemed part of the public street.

(*c*) Compensation, the amount of which shall, in case of dispute be ascertained and determined in the manner provided in section 168, shall be paid by the municipal council to the owner of any land vesting in the municipal council under clause (*b*) of sub-section (3) for the value of the said land and also for any loss, damage, or expense incurred by him in consequence of any action taken or order passed by the municipal council under the said clause (*b*).

(4) Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to two hundred rupees; and the municipal council may—

(*a*) direct that the building be stopped, and

(*b*) by a written notice, require such building or portion thereof to be altered or demolished as it may deem necessary.

(2) *Powers to regulate buildings, etc.*

Setting back projecting buildings.

103. (1) If any part of a building projects beyond the regular line of a public street as prescribed undr section 102, or beyond the front of the building on either side thereof, the municipal council may,

(*a*) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(*b*) if the projecting part is not such external structure as aforesaid, then, whenever the greater portion of such building or whenever any material portion of such porjecting part has been taken down or burned down or has fallen down,

require by written notice either that the part, or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed, or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the municipal council.

Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.

(2) If any land, not vested in the municipal council, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other such external structure, the municipal council, after giving the owner of the land not less than fifteen clear days' written notice of its intention, or if the land is vested in the Government, then with the permission in writing of the Deputy Commissioner may take possession of the said land with its enclosing wall, hedge or fence, if any, and, if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the municipal council.

Compensation payable by the municipal council.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 168, shall be paid by the municipal council to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipal council under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 128 applies.

(4) When the amount of compensation has been so ascertained and determined, or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 128, the municipal council may, after tendering the amount of compensation, if any, as may be payable, take possession of the land so added to the street, and, if necessary, may clear the same.

Setting forward to regular line of street.

104. The municipal council may, upon such terms as it thinks fit, allow any building to be set forward for improving the line of any public street in which such building is situated.

Buildings at corner of streets.

105. (1) The municipal council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent or otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired, the municipal council shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

Roofs and external walls of buildings not to be made of inflammable materials.

106. (1) The external roofs and walls of buildings erected or renewed after the coming into force of this Regulation shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable materials, except with the written consent of the municipal council, which may be given either specially in individual cases, or generally in respect of any area specified therein.

Power to require removal of roof and wall if inflammable.

(2) The municipal council may at any time, by written notice, require the owner of any building which has an external roof or wall made of any such materials as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the time at which this Regulation came into force, and whether it was made with or without the consent of the municipal council.

Penalty.

(3) Whoever without such consent as is required by sub-section (1) makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such materials as aforesaid, shall be punished with a fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which the offence is continued after the date of the first conviction.

Level of building.

107. No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipal council, or into some stream or river, or some cesspool or other suitable place which may be approved of by the municipal council.

Rat-proof building for warehouse for storing grain.

108. The municipal council may require that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building.

Notice of new buildings.

109. (1) Before beginning to construct any building, or to alter externally or add to any existing building, or to construct or reconstruct any projecting portion of a building in respect of which the municipal council is empowered by section 103 to enforce a removal or set-back, or to construct or reconstruct which the municipal council is empowered by section 102 to give permission, the person

intending so to construct, alter, add or reconstruct shall give to the municipal council notice thereof in writing and shall furnish to it at the same time, if required by a by-law or by special order to do so, a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the municipal council, and all information required by the by-laws or demanded by the municipal council regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets, and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, and the purpose for which the building will be used.

Power of municipal council to pass orders.

(2) Save as otherwise provided in this Regulation or the rules and by-laws thereunder, the municipal council may—

(*a*) either give permission to construct, alter, add or reconstruct according to the plan and information furnished, or

(*b*) impose in writing conditions, in accordance with this Regulation and the rules and by-laws made thereunder, as to level, drainage, sanitation, design, materials or to the dimensions and cubical contents of rooms, doors, windows, and apertures for ventilation or to the number of storeys to be erected, or with reference to the location of the building in relation to any existing building or street, existing or projected, or the purpose for which the building is to be used, or

(*c*) direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to its satisfaction.

Provided that the direction in sub-clause (*c*)—

(*i*) shall apply only to buildings on sites not laid out by the municipal council or other competent authority; and

(*ii*) shall not be in force after six months from the date on which the direction is given.

Or to suspend the work or to require further particulars.

(3) Before issuing any orders under sub-section (2), the municipal council may, within one month from the receipt of such notice, either issue,

(*a*) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) may demand further particulars.

(4) A building proposed in a notice given under sub-section (1) may be proceeded with in such manner, as may have been specified in such notice, as is not inconsistent with any provision of this Regulation or of any by-law for the time being in force thereunder in the following cases, that is to say :— Right to proceed in certain cases.

(*a*) in case the municipal council, within one month from the receipt of the notice given under sub-section (1), has neither—

(i) passed orders under sub-section (2) and served notice thereof in respect of the intended work ; nor

(ii) issued under sub-section (3) any provisional order or any demand for further particulars ;

(*b*) in case the municipal council having issued such demand for, and having received in accordance with the by-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars.

(5) No person who becomes entitled under sub-section (2) or sub-section (4) to proceed with any intended work of which notice is required by sub-section (1), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (4).

(6) Whoever begins or makes any building or alteration or addition without giving the notice required by sub-section (1), or without furnishing the plan or affording the information above prescribed, or except as provided in sub-section (4), without awaiting, or in any manner contrary to, such legal orders of the municipal council as may be issued under this section or contrary to the provisions of sub-sections (4) or (5) or in any other respect contrary to the provisions of this Regulation or of any by-law in force thereunder, shall be punished with fine which may extend to two hundred rupees, and the municipal council may—

(*a*) direct that the building, alteration, or addition be stopped, and

(*b*) by written notice, require such building, alteration or addition to be altered or demolished, as it may deem necessary.

(7) The municipal council or any officer deputed by it may at any time inspect the erection of any building

without giving notice of its or his intention to do so, and at any time during the erection of a building or the execution of any such work as aforesaid, may by written notice specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provision of this Regulation or of any by-law made under this Regulation at the time in force, and require the person erecting or executing, or who has erected or executed, such building or work, or, if the person who has erected or executed such building or work is not at the time of notice the owner thereof, then the owner of such building or work to cause anything done contrary to any such provision or by-law to be amended, or to do anything which by any such provision or by-law he may be required to do but which has been omitted.

EXPLANATION.—The expression "to erect a building" throughout this chapter includes—

(*a*) any material alteration, enlargement or re-construction of any building,

(*b*) the conversion into a place as human habitation of any building not originally constructed for human habitation,

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(*d*) the conversion of two or more places of human habitation into a greater number of such places,

(*e*) such alterations of the internal arrangements of a building as affect its drainage, ventilation or other sanitary arrangements, or its security or stability, and

(*f*) the addition of any rooms, buildings or other structures to any building.

And a building so altered, enlarged, re-constructed, converted, or added to, shall, for the purpose of this chapter be deemed to be a new building.

Power of Government to prohibit the erection of buildings in certain area without permission.

110. (1) Notwithstanding anything contained in section 115, the Government may in the public interest and after consulting the municipal council prohibit by notification published in the Official Gazette the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf;

Provided that such permission shall not be refused in the case of land which has been set apart as a building site

by the Government or the municipal council prior to the publication of such notification.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall on conviction before a magistrate be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2).

Regulation of huts.

111. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Regulation comes into operation, without giving previous notice to the municipal council and the municipal council may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the municipal council may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to it may seem necessary. If any hut or shed or range or block be built without giving such notice to the municipal council, or otherwise than as required by the municipal council, the municipal council may give written notice to the owner or builder thereof or to the owner or occupier of the land on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the municipal council may think fit.

Improvement of huts.

112. (1) Whenever the municipal council is of opinion that any huts or sheds whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Regulation comes into operation or subsequently erected, are by reason

(*a*) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or

(*b*) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(*c*) of the impracticability of scavenging,

attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the municipal council for that purpose, to take down and remove such hut or shed, or to execute such operations as the municipal council may deem necessary for the avoidance of such risk.

(2) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds, or to execute such operations within the time appointed, the municipal council may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as it may deem necessary to prevent such risk.

(3) If such huts or sheds be pulled down by the municipal council, the municipal council shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the municipal council until the person interested therein shall obtain the order of a competent court for the payment of the same.

Provided always that in case any huts or sheds, existing at the time when the land on which they are situate first became part of a municipality, should be pulled down under this section by order of the municipal council or in pursuance of its notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 168.

(3) *Powers connected with drainage, water-works, etc.*

Municipal control over drains, etc.

113. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall be under the survey and control of the municipal council.

(2) All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the municipal council or other person to whom they severally belong, with proper traps, or other coverings or means of

ventilation, and the municipal council may by written notice call upon the owner of any such covered sewers, drains or cesspools to make provision accordingly.

Powers for making drains.

114. (1) In order to carry out any drainage scheme, it shall be lawful for a municipal council to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipality.

(2) The municipal council, or any officer appointed by it for such purpose, may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the municipal council has been already constructed, or may repair or alter any drain vested in the municipal council.

(3) In the exercise of any power under this section no unnecessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 168 shall be paid by the municipal council to any person who sustains damage by the exercise of such power.

Sufficient drainage of houses.

115. (1) If any building or land be at any time undrained, or not drained to the satisfaction of the municipal council, the municipal council may by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such building or land into—

(*a*) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(*b*) a covered cesspool to be provided by such owner.

New buildings not to be erected without drains.

(2) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

(*a*) a drain be constructed, of such size, materials and description, at such level, and with such fall, as shall appear to the municipal council to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the land appurtenant thereto all such

appliances and fittings as may appear to the municipal council to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage, situated at a distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the municipal council directs.

Power of owners and occupiers of buildings or lands to drain into municipal drains.

116. The owner or occupier of any building or land within the municipality shall be entitled to cause his drains to empty into sewers of the municipal council, provided that he first obtains the written permission of the municipal council, and that he complies with such conditions as the municipal council prescribes as to the mode in which the superintendence under which the communications are to be made between drains not vested in the municipal council and drains which are so vested.

Provision of privies, etc.

117. (1) In case the municipal council shall be of opinion that any privy, or cesspool, or additional privies, or cesspools, should be provided in or on any building or land, or, in any municipality in which a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the municipal council may by written notice call upon the owner of such building or land to provide such privies, cesspools or water-closets as the municipal council may deem proper.

(2) The municipal council may by written notice require any person or persons employing workmen, or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the municipal council may direct, and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The municipal council may by written notice require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as it may

direct any privy door or trap door which opens on to any street, and which it deems to be a nuisance.

Cost of altering, repairing and keeping in proper order privies, etc.

118. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall, unless constructed at the cost of the municipal council, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the municipal council may by written notice require such owner to alter, repair and put the same in good order in such manner as it thinks fit.

(2) The municipal council may by written notice require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Regulation, which in the opinion of the municipal council, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order.

Power in respect of sewers, etc., unauthorisedly constructed, rebuilt or unstopped.

119. The municipal council may by written notice require that any sewer, drain, privy, water-closet, house-gully or cesspool on any land within municipal limits, constructed, or rebuilt or unstopped—

(*a*) after such land became part of a municipality, and

(*b*) either without the consent or contrary to the orders, directions or general regulations or by-laws of the municipal council, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demolished, amended or altered, as it may deem fit, by the person by whom it was so constructed, rebuilt or unstopped, and every person so constructing, rebuilding or unstopping, any such sewer, drain, privy, water-closet, house-gully or cesspool, whether he does or does not receive such notice, or does or does not comply therewith shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees.

Encroachment on municipal drains, etc.

120. (1) Whoever, without the written consent of the municipal council first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the municipal council, shall be punished with fine which may extend to twenty-five rupees, and the municipal council may by written notice require such

person to demolish, alter, re-make or otherwise deal with such drain as it may think fit.

(2) No building shall be newly erected or rebuilt over any sewer, drain, culvert or gutter vested in the municipal council without the written consent of the municipal council, and the municipal council may by written notice require the person who may have erected or rebuilt such building to pull down or otherwise deal with the same as it may think fit.

Inspection of drains, etc.

121. The municipal council or any officer appointed by it for such purposes may, subject to the restrictions of this Regulation, inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or it may think fit, doing as little damage as may be.

Power of carrying water mains, etc.

122. The water supply department of the Government or the municipal council, as the case may be, in whom the duty of construction and maintenance of water works for supply of water to the municipality vests, shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water mains, pipes and ducts within or without the municipality as the municipal council has and is subject to, under the provisions hereinbefore contained for carrying, renewing and repairing drains within the municipality.

(4) *Powers regarding external structures, etc.*

Permission necessary for certain projections.

123. (1) The municipal council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix by by-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to which, and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets.

(2) Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any

such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

Removal of projections.

(3) The municipal council may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which

(*a*) overhangs or juts into or in any way projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(*b*) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof:

Provided always that the municipal council shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the municipal council make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner provided in section 168.

Troughs and pipes for rain water.

124. The municipal council may, by written notice, require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in such manner as it may think fit, so that it shall not fall upon the persons passing along the street or cause damage to the street.

Fixing of brackets, etc. to houses.

125. The municipal council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or subject to the provisions of any law in force relating to electricity, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the law in force relating to telegraphs, for telegraph wires or telephonic wires, or for the conduct of electricity

for locomotive or other purposes, or such pipes as it may deem necessary for the proper ventilation of sewers and water-works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any others in the neighbourhood.

Naming streets and numbering houses.

126. (1) The municipal council may from time to time cause to be put up or painted on a conspicuous part of any building at or near each end, corner, or entrance to every street, the name by which such street is to be known and may from time to time fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure threof fronting the street.

(2) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the municipal council, and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

Removal and trimming of hedges, trees, etc.

127. The municipal council may, by written notice, require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger, or obstruct or which it deems likely to overhang, endanger or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well, or other provision for water-supply as to pollute or be likely to pollute the water thereof.

(5) *Powers for promotion of public health safety and convenience.*

Ruinous or dangerous buildings.

128. (1) If any building, or anything affixed thereon, be deemed by the municipal council to be in a ruinous state or likely to fall, or in any other way dangerous to any inhabitant of such building, or of any neighbouring building, or to any occupier thereof, or to passengers, the municipal council shall immediately, if it appears to it to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers ; all expenses incurred by the municipal council under this sub-section shall be paid by the owner or occupier of such building, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

(2) The municipal council shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building or thing affixed thereon, as the case shall require, and if such owner or occupier does not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due deligence, the municipal council shall cause all or so much of such building or thing, as it shall think necessary, to be taken down, repaired, or otherwise secured. Action to be taken on default by owner or occupier.

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the municipal council, instead of itself causing a hoarding or fence to be put up, to issue in the first instance a notice in writing to the owner or occupier to put up a proper hoarding or fence, and in the event of the owner or occupier failing to put up, within two days from the service of such notice, a hoarding or fence which the municipal council considers sufficient in the circumstances of the case, the municipal council shall at once cause such hoarding or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2). proviso if danger is not imminent.

129. (1) The municipal council may at any time by written notice require that the owner of or any person who has the control over, any well, stream, channel, tank or other source of water-supply, shall, whether it is private property or not, Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.

(*a*) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(*b*) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(*c*) in such manner as the municipal council prescribes, protect any such source of water-supply from pollution by surface drainage, or

(*d*) within twenty-four hours of such notice, repair, protect or enclose in such manner as the municipal council approves, any such source of water-supply, other than a stream in its natural flow, if for want of sufficient repair, protection or inclosure, such source of water-supply is in the opinion of the municipal council dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or shall

(*e*) desist from using and from permitting others to use, for drinking purposes any such source of water-supply

which not being a stream in its natural flow, is proved to the satisfaction of the municipal council to be unfit for drinking; or

(*f*) if notwithstanding any such notice under clause (*e*) such use continues and cannot, in the opinion of the municipal council, be otherwise prevented, close either temporarily or permanently, or fill up or enclose or fence in such manner as the municipal council considers sufficient to prevent such use, such source of water-supply as aforesaid; or

(*g*) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the municipal council considers is injurious to health or offensive to the neighbourhood.

Remedy or non-compliance with direction issued.

(2) If the owner or person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of subsection (1), the municipal council may, and if in its opinion immediate action is necessary to protect the health or safety of any person shall, at once proceed to execute the work required by such notice, and all the expenses incurred therein by the municipal council shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Provided that in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the municipal council or necessarily incurred by such owner or person having such control, may, if the municipal council so directs, be paid from the municipal fund.

Displacing pavements, etc.

130. (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter, flags, or other materials, of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the municipal council or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

Penalty for failure to replace after notice.

(2) Any person who, having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fences, walls, posts, municipal

lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property of any public street, fails to replace or restore the same to the satisfaction of the municipal council after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Obstruction and encroachments upon public streets and open spaces.

131. (1) Whoever in any place after it has become a municipality shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure or thing, or other encroachment or obstruction except steps over drains in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street, shall be punished with fine which may extend to twenty-five rupees.

(2) The municipal council shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipal council or not, provided that if the space be vested in the Government the permission of the Deputy Commissioner shall have first been obtained and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand, or other material from, or makes any encroachment in or upon, any open space which is not private property, shall be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine which may extend to ten rupees for every day on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in this section shall prevent the municipal council from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days, and in such manner, as not to inconvenience the public or any individual.

(5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 123, or in any case where permission has been given under sub-section (4) of this section.

Hoardings to be set up during repairs, etc.

132. (1) Every person intending to build or take down any building, or to alter or repair the outward part of any building, in such a position or in such circumstances as that the work is likely to cause or may cause obstruction, danger or inconvenience in any street, shall before beginning such work

(*a*) first obtain a license in writing from the municipal council so to do, and

(*b*) cause sufficient hoardings or fences to be put up in order to separate the building where such works are being carried on from the street, and shall maintain such hoarding or fence standing and in good condition to the satisfaction of the municipal council during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the municipal council.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Fencing and lighting during repairs, etc.

133. (1) The municipal council shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in it, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains or posts to be fixed across or in any of the streets, to prevent the passage of carriages, carts, or other vehicles or of cattle or horses, while such works are carried on, as to it shall seem proper; and the municipal council shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be lighted with a sufficient light and guarded during the night.

(2) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the municipal council, shall be punished with fine which may extend to fifty rupees.

Timber not to be deposited or hole made in a street without permission.

134. (1) No person shall, without the written permission of the municipal council or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street, or erect or deposit thereon any timber, stone, brick, earth or other material that has been, or is intended to be, used for building; and such permission shall be terminable at the discretion of the muuicipal council; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the municipal council, and shall cause the same to be sufficiently lighted during the night.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Provision as to dogs.

135. (1) The municipal council may, by public notice, require that every dog while in the streets and not being led by some person shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.

(2) Subject to the provisions of sub-section (3), the municipal council may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has provided a proper muzzle for it and has paid all the expenses of its detention, or cause it to be destroyed.

(3) When a dog which has been detained under the last preceding sub-section is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for three clear days; provided that any dog, which is found to be rabid may be destroyed at any time.

(4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of three clear days.

(5) All expenses incurred by the municipal council under this section may be recovered from the owner of

any dog which has been taken possession of or detained in the manner provided by chapter VIII.

(6) *Powers for the prevention of nuisance.*

Depositing dust, etc.

136. (1) Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, garden, kitchen or stable refuse or filth of any kind, or any animal matter or any broken glass or earthen-ware or other rubbish or any other thing that is or may be a nuisance, in any street or in any arch under a street or in any drain beside a street or on any open space or on the bank of any river, water-course or nullah, except at such places, in such manner, and at such hours as shall be fixed by the municipal council, and whoever commits or suffers any member of his family to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever throws or puts or causes or suffers any member of his family or household to throw or put any of the matter above described, or, except with the permission of the municipal council, any night soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

Discharging sewage, etc.

137. Whoever causes or allows the water of any sink or sewer or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the municipal council, or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees.

Non-removal of filth, etc.

138. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the

filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction.

Filthy buildings, etc.

139. (1) Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or in the opinion of the municipal council a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the municipal council to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction.

(2) Should the state of the building be such as in the judgment of the municipal council to render it unfit for human habitation it may further by written notice prohibit the using thereof for that purpose until it is so rendered fit.

Power to enter and inspect, etc., buildings.

140. It shall be lawful for the president, vice-president, or any councillor or officer authorised by the municipal council in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands, and by written notice to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed for sanitary reasons.

Abatement of nuisances from wells, etc.

141. (1) If in the opinion of the municipal council—

(*a*) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course, or any collection of water, or

(*b*) any cistern or other receptacle for water whether within or outside a building, or

(*c*) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling house,

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the municipal council may, by notice in writing, require the owner thereof to fill

up, cover over or drain off the same in such manner and with such materials as the municipal council shall prescribe or to take such order with the same for removing or abating the nuisance as the municipal council shall prescribe.

(2) (*a*) No new tank or pond shall be dug or constructed without the previous permission in writing of the municipal council.

(*b*) If any such work is begun or completed without such permission, the municipal council may either—

(*i*) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the municipal council shall prescribe; or

(*ii*) grant written permission to retain such work; but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (*a*) of this sub-section.

Regulation or prohibition of certain kinds of cultivation.

142. The municipal council on the report of the Director of Health, the health officer, or the local medical officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the municipality is injurious to the public health may, with the previous sanction of the Government, by public notice, regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by absolute prohibition.

Using offensive manure, etc.

143. Whoever, except with the written permission of the municipal council, and in the way, if any, enjoined in such permission, stores or uses night-soil or other manure or substance emitting an offensive smell, shall be punished with fine which may extend to twenty-five rupees.

Tethering cattle, etc.

144. (1) Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever keeps any swine so as to be a nuisance shall be punished with fine which may extend to ten rupees. Keeping swine.

145. Whoever feeds any animal which is kept for dairy purposes or is intendedf or human food on excrementitious matter, stable refuse, filth, or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees. Feeding animals on filth.

146. (1) It shall be lawful for the municipal council to publish by a notification in the Official Gazette that no place within municipal limits shall be used for burning bricks without a license from the municipal council and except in accordance with the conditions specified therein ; Licenses to be taken for burning bricks.

Provided that no such notification shall take effect until sixty days from the date of publication.

(2) Any person who, after the publication of such notification, wishes to use such place for such purpose shall apply to the municipal council for a license therefor.

(3) The municipal council may by an order and under such restrictions as it thinks fit, grant or refuse to grant such license.

(4) Every such license shall expire on such date as may be specified therein.

(7) *Regulation of markets, sale of food, etc.*

147. (1) It shall be lawful for the municipal council to direct that no place not belonging to or vested in the municipal council shall be used for any of the purposes specified in sub-clauses (i), (ii), (iv) and (v) of clause (*b*) of sub-section (1) of section 48 except under and in accordance with the conditions of a license from the municipal council which may at its discretion from time to time grant, suspend, withhold or withdraw such licenses either generally or in individual cases. Licensing markets, slaughter-house and certain businesses.

(2) Whoever uses or permits the use of any place contrary to such direction, or without the license required as aforesaid, or in contravention of any of the conditions or during the suspension or after the withdrawal of such license, shall be punished with fine which may extend to twenty-five rupees.

(3) Upon a conviction being obtained in respect of any place under sub-section (2) of this section, the magistrate shall, on the application of the municipal council but not otherwise, order such place to be closed, and thereupon

appoint persons or take other steps to prevent such place being so used; and every person who so uses or permits the use of a place after it has been so ordered to be closed, shall be punished with a fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

Opening, closing and letting of markets and slaughter-houses.

148. (1) The municipal council may from time to time open or close any public market or slaughterhouse. It may also either take stallage or other rents or fees for the use by any person of any such market or slaughterhouse or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughterhouse.

(2) Any person who, without the permission or license of the municipal council, shall sell or expose for sale any article in the said markets, or use the said slaughterhouses, shall be punished with fine which may extend to twenty-five rupees.

(3) It shall be lawful for the municipal council to lease for a period not exceeding one year at a time by public auction or private contract the collecting of any rent or fees which may be imposed under sub-section (1).

Slaughter-houses, etc. beyond municipal limits.

149. It shall be lawful for the municipal council with the sanction of the Deputy Commissioner, to establish slaughterhouses, or places for the disposal of carcasses of animals, beyond the limits of the municipality, and all provisions of this Regulation and of by-laws in force thereunder relating to such places within municipal limits shall have full force therein, as if such places were within the municipal limits.

Registry for shops for sale of European drugs.

150. (1) No shop or place shall be kept for the retail sale of drugs recognised by the British Pharmacopœia, not being also articles of ordinary domestic consumption, unless the same is registered in the office of the municipal council within two months after the commencement of this Regulation or if the shop or place is established after the commencement of this Regulation then, within two months from the date of its establishment. Any keeper of such shop or place failing to so register the same shall be liable to a fine not exceeding one hundred rupees. The municipal council, shall, upon payment of such fees as may be prescribed in this behalf, register such shop or place in a book kept for the purpose and grant the keeper of the shop or place a license which shall be displayed in some conspicuous part of the premises registered.

(2) No person shall compound, mix, prepare, dispense or sell any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with the duties prescribed in this behalf; and every such person shall be bound to produce his certificate for inspection when required to do so by a magistrate, a medical officer not below the rank of an assistant surgeon or the health officer of the municipality. Certificated dispensers.

Provided that the provisions of this sub-section shall not come into operation in any municipality until after the expiration of a period of six months from the publication of a notification by the Government in the Official Gazette extending the same to such municipality.

(3) Nothing in this section contained shall be construed to apply to the sale of drugs used by practitioners of indigenous systems of medicine whether recognised by the British Pharmacopœia or not, when such drugs are not sold in a shop or place where medicines recognised by such pharmacopœia are dispensed upon prescription.

151. (1) Whoever, within a municipality, not being the holder of such certificate as is mentioned in sub-section (2) of section 150, shall compound, mix, prepare or sell any drugs, shall, on conviction before a magistrate, be liable to a fine not exceeding fifty rupees for each offence; and any owner, occupier or keeper of any such shop or place who shall employ any such uncertificated person to perform any one or more of such duties, shall, on conviction before a magistrate, be liable to a fine not exceeding two hundred rupees and shall be further liable at the discretion of such magistrate to forfeit his license. Uncertificated person dispensing drugs.

(2) Whoever, being the holder of such a certificate as is mentioned in sub-section (2) of section 150, fails to produce the same for inspection when called upon to do so by any of the officers mentioned in the said sub-section shall, on conviction before a magistrate, be liable to a fine not exceeding ten rupees.

Provided that this section shall not come into operation until after the expiration of a period of six months from the publication of a notification to that effect in the Official Gazette by the Government.

152. (1) The president or any person authorised by the municipal council in this behalf, may at any reasonable time enter into and inspect any market, building, shop, stall or place used for the storage or sale of articles of food or drink or of drugs, or used for the slaughter of animals, Unwholesome articles of food and drink.

and examine any article of food or drink or any drug or animal which may be therein, and if any article of food or drink or any drug or animal therein appears to be intended for human consumption and to be unfit therefor, he may seize the same.

(2) If the owner or person in whose possession such article, drug or animal is found consents thereto, the president or the authorised person may destroy it, or dispose of it so as to prevent its being exposed for sale or use for human consumption.

(3) If such article, or drug is of a perishable nature, it may be disposed of in the manner specified in sub-section (2) without the consent of the person in possession.

(4) In cases not falling under sub-sections (2) and (3), the article, drug or animal seized as aforesaid shall be removed forthwith and placed before a magistrate for orders under sub-section (5).

(5) If any animal, article or drug is brought before a magistrate under sub-section (4), the magistrate, on its being proved that the article or animal was intended for human consumption and is unfit therefor, or that the drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption, and the drug to be dealt with, as he may think fit, and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to one hundred rupees.

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee thereof, in ignorance of its nature shall not be liable to fine under this section.

False weights and measures and instruments for weighing.

153. The president, vice-president, chief officer and health officer or any councillor or officer authorised by the municipal council in this behalf, may at all reasonable times enter into any place used for the sale of articles used for human food or drink or for medicine, and inspect the instruments for weighing and the weights and measures in use; and if the person in charge be found in possession of any false or defective weights or measures, or of weights or measures or of any instruments for weighing by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty rupees.

(8) *Prevention of dangerous diseases.*

154. (1) Every municipal council may, subject to such limitations, restrictions and conditions, if any, as may be prescribed in this behalf, exercise all or any of the powers specified in sub-section (2) for prevention of dangerous diseases. Powers which may at any time be exercised.

(2) The powers, which may be exercised under the preceding sub-section are :—

(*a*) power by orders, which may be either of special or general application, to direct that every medical practitioner who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the municipal council in that behalf ;

(*b*) power to direct or authorise the inspection, without notice, or with such notice as to the person directed or authorised to inspect appears reasonable, of any place in which any dangerous disease is reported or suspected to exist and the taking of measures to prevent the spread of the disease beyond such place ;

(*c*) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place, which may appear to the municipal council, on the advice of the medical officer, likely to engender or cause the spread of any dangerous disease ;

(*d*) power to require by written notice the owner or occupier of any building, or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or in case of poverty, or for other cause which the municipal council in the circumstances of the case considers reasonable, at the expense of the municipal council ;

(*e*) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmasala, chattram or musafirkhana in which a person has, or in which there is reason to believe that a person has, been suffering from

a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the municipal council or of such officer as the municipal council appoints in this behalf;

(*f*) power, with the previous permission in each case of a magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from dangerous disease.

(3) The municipal council may, in its discretion give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the municipal council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penalties for disobedience of an order passed in exercise of such powers.

(4) Any person who in a municipality disobeys any order which is for the time being in force therein, and which has been passed by the municipal council in exercise of any power conferred on such municipal council by this section, or obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out executively any such order, shall be punished with fine which may extend to two hundred rupees.

Duties of municipal council in respect of diseases among horses, dogs, cattle, sheep or goats.

155. If in any municipality any infectious disease amongst horses, dogs, cattle, sheep or goats breaks out, or if the introduction of any such disease appears to be likely, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the out-break or introduction thereof.

Proceedings to abate the overcrowding of the interiors of buildings.

156. (1) Whenever the municipal council considers the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the municipal council may cause proceedings to be taken before a magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

Procedure of magistrate.

(2) Such magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further enquiry, if any, as may appear to such magistrate necessary, require the owner

of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(3) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purpose of this sub-section, be deemed to be the owner of the building.

(4) It shall be incumbent on any owner to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who after the date specified in any requisition issued under sub-section (2) permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.

Closing places for disposal of the dead.

157. (1) If the municipal council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, it may submit its opinion with the reasons therefor to the Government, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(2) A copy of the said notification together with a translation thereof in Kannada shall be published in the Official Gazette and shall be posted up at the municipal office and in one or more conspicuous spots on or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees.

(9) *Nuisances from certain trades and occupations.*

Regulation of certain trades.

158. (1) If it be shown to the satisfaction of the municipal council that any building or place used or intended by any person to be used

(*a*) for boiling or storing offal, blood, bones or rags ;
(*b*) for salting, curing and storing fish ;
(*c*) for storing hides, horns or skins ;
(*d*) for tanning ;
(*e*) for the manufacture of leather or leather goods ;
(*f*) for dyeing ;
(*g*) as a brick, pottery or lime kiln ;
(*h*) for soap-making ;
(*i*) for storing hay, straw, fodder, wood, coal or other combustible material ;
(*j*) as a quarry ;
(*k*) as a cart-stand ;
(*l*) for storing grain for trade purposes ;
(*m*) as a manufactory or place of business of any other kind, from which offensive or unwholesome smells, fumes or soot or dust arise, or which may involve risk of fire,

is or is likely by reason of such use and of its situation to become a nuisance to the neighbourhood, or is so used or is so situated as to be likely to be dangerous to life, health or property, the municipal council may by written notice require the owner or occupier—

(i) at once to discontinue the use of, or at once to desist from carrying out, or allowing to be carried out, the intention so to use, such place, or

(ii) to use it in such manner, or after such structural alterations, as the municipal council in such notice prescribes, so that it may not become or may be no longer, a nuisance or dangerous.

Liability to penalty after notice.

(2) Whoever, after notice has been given under sub-section (1), uses any place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous to life, health or property shall be punished with fine which may extend to two hundred rupees, and with further fine, which may extend to forty rupees for every day on which such use or permission of use is continued after the date of the first conviction.

(3) Upon a conviction being obtained under this section the magistrate shall, on the application of the municipal council, but not otherwise, order such place to be closed, and thereupon appoint persons, or take other steps to prevent such place being used for any purpose mentioned in sub-section (1).

Penalty for unlicensed places in a municipality in which by-laws under section 48 (1) (*b*) (iii) are in force.

(4) Whoever uses without a license, or during the suspension or after the withdrawal of a license, any place for any purpose mentioned in sub-section (1) in any municipality in which by-laws are for the time being in force prescribing the conditions on and subject to which, the circumstances in which and the areas and localities in respect of which, licenses for such use may be granted, refused, suspended and withdrawn, shall be punished with fine which may extend to fifty rupees and with further fine which may extend to ten rupees for every day on which such use is continued after the date of first conviction.

Factories in crowded localities.

159. (1) In any municipality to which by a notification in the Official Gazette this section is made to apply by the Government, no person shall establish in any premises, any factory, as defined in the Mysore Factories Regulation, 1914, without the previous written permission of the municipal council.

(2) The municipal council may refuse to give such permission if it be of opinion that the establishment of such factory, in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the term of any by-laws framed in this behalf.

(3) Whoever establishes in any premises any factory, as aforesaid without or after the refusal of such permission, or in contravention of the terms of any by-laws framed in this behalf, shall be punished with fine which may extend to two hundred rupees.

Use of siren or whistle for summoning or dismissing workmen.

160. (1) In any municipality to which by a notification in the Official Gazette this section is made applicable by the Government, no person shall use or employ in any factory, or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the municipal council.

(2) The municipal council may grant such license subject to such conditions as it may deem fit and may at

any time withdraw such license on giving one month's notice to the licensee.

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without, or in contravention of any of the conditions of or after the withdrawal of such license shall be punished with fine which may extend to fifty rupees.

Brothels.

161. In any municipality to which, on the application of the mnuicipal council, the Government may by notification have declared this section to apply, any magistrate of the first class on receiving information that a house within the limits of such municipality is used as a brothel, may summon the owner or occupier of such house, and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it and if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used.

Provided that action under this section shall be taken only—

(*a*) with the sanction or by the order of the District Magistrate, or

(*b*) on the complaint of three or more inhabitants of the municipality residing in the vicinity of the house to which the complaint refers.

(10) *Service of notices and penalties on non-compliance therewith.*

Service of notices, etc., addressed to individuals.

162. (1) The service of every notice, and the presentation of every bill under this Regulation, on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for therein, be effected by a municipal officer or servant or other person authorised by the municipal council in this behalf,

(*a*) by giving or tendering the notice or bill to the person to whom it is addressed; or

(*b*) if such person is not found, by leaving the notice or bill at his last known place of abode with, or by giving or tendering the notice or bill

to, some adult male member or servant of his family; or

(c) if such person does not reside within the municipal limits, and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post, under cover bearing the said address; or

(d) if none of the means aforesaid be available, then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

Services of notices, etc., on owners and occupiers of buildings and lands.

(2) When any notice or bill under this Regulation is required or permitted by or under this Regulation to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Regulation, shall be effected either—

(a) by giving or tendering the notice or bill to the owner or occupier, or if there be more owners or occupiers than one, to any one of them; or

(b) if no such owner or occupier be found, then by giving or tendering the notice or bill to some male adult member or servant of the family of any such owner or occupier as aforesaid; or

(c) if none of the means aforesaid be available, then by causing the notice or bill to be fixed on some conspicuous part of the building or land to which the same relates.

Public and general notices how to be published.

(3) Every notice which this Regulation requires or empowers a municipal council to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period, and in such other public buildings and places, or is published in such local paper or in such other manner, as the municipal council in by-laws in this behalf prescribes.

Defective form not to invalidate notice or bill.

(4) No notice or bill shall be invalid for defect of form.

Execution of acts required to be done by any notice.

(5) When any notice under this chapter requires any act to be done for which no time is fixed by this Regulation, the notice shall fix a reasonable time for doing the same.

(6) In the event of non-compliance with the terms of the notice it shall be lawful for the municipal council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the municipal council shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 169.

Punishment for disobedience of orders and notices not punishable under any other section.

163. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by a municipal council under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by the municipal council under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction:

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Regulation, it shall rest with the magistrate to determine whether the time so fixed was reasonable time within the meaning of this Regulation.

Municipal council in default of owner or occupier may execute work and recover expense.

164. (1) Whenever, under the provisions of this Regulation, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the municipal council, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Regulation, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII either in one sum or by instalments as to the municipal council may deem fit.

(2) If the defaulter be the owner of the building or land, the municipal council may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Power to levy charges on occupier, who may deduct the same from his rent.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Regulation on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglect or refuse, upon application made to him for that purpose by the municipal council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier:

Occupiers not to be liable for more than the amount of rent due.

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

165. Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the municipal Council cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Occupier in default of owner, may execute works and deduct expenses from his rent.

Proceedings if any, occupier opposes the execution of the Regulation.

166. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Regulation, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Regulation, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall for every day, during which, he so continues to refuse be punished with fine which may extend to fifty rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(11) *Miscellaneous.*

Entry for purposes of the Regulation.

167. It shall be lawful for the president, vice-president, chief officer or any officer authorised by the municipal council for such purpose, to enter, for any purpose of this Regulation, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land.

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier.

Provided also that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

Determination of compensation in certain cases.

168. (1) If an agreement is not arrived at with respect to any compensation or damages which are by this Regulation directed to be paid, the amount and if necessary the apportionment of the same shall be ascertained and determined by the Assistant Commissioner in charge of the taluk in which the municipality is situated and in the absence of such an officer by the Deputy Commissioner.

Provided that nothing in this sub-section shall prevent the aggrieved party from seeking redress in a civil court of competent jurisdiction.

(2) In any case, where the compensation is claimed in respect of any land, the procedure prescribed by the Land Acquisition Regulation, 1894, for proceedings in matters referred for the determination of the court shall, as far as may be, be followed.

Costs or expenses how determined and recovered.

169. If a dispute arises with respect to any costs or expenses which are directed to be paid, by any person under this chapter, the amount, and if necessary the apportionment of the same shall, save where it is otherwise is expressly provided in this Regulation, be ascertained and determined by the municipal council and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

CHAPTER X.

Prosecutions, Suits and Powers of Police.

Municipal council may prosecute.

170. (1) The municipal council may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any rule or by-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund.

Provided that no prosecution for an offence under this Regulation or rule or by-law framed thereunder shall be instituted except within six months next after the commission of such offence.

Jurisdiction of magistrate.

(2) Any prosecution under this Regulation or under any rules or by-laws thereunder may, save as therein otherwise provided, be instituted before any magistrate, and every fine or penalty imposed under or by virtue of this Regulation or any rule or by-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Regulation, may be recovered on application to such magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

Power to compound offences.

171. A municipal council may—

(*a*) compromise with any person who in the opinion of the municipal council has committed an offence punishable under this Regulation or any by-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence;

(*b*) withdraw from prosecutions instituted under this Regulation or under any by-law made thereunder;

(*c*) compound any offence against this Regulation or against any by-law made thereunder which may by rules made by the Government be declared compoundable.

Provided that Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section.

Limitation for distraint, etc.

172. No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the municipal council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum.

Distress lawful though defective in form.

173. No distress levied by virtue of this Regulation shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

Damage to municipal property how made good.

174. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Regulation, any damage to the property of the municipal council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted, and on non-payment of such damage on demand the same shall be levied by distress, and such magistrate shall issue his warrant accordingly.

Alternative procedure by suit.

175. In lieu of any process of recovery allowed by or under this Regulation or in case of failure to realise by such process the whole or any part of any amount re-

coverable under the provisions of Chapter VIII, or of any compensation, expenses, charges or damages payable under this Regulation, it shall be lawful for a municipal council to sue in any court of competent jurisdiction the person liable to pay the same.

Power of compromise.

176. (1) The municipal council may compound or compromise in respect of any suit instituted by or against it, or in respect of any claim or demand arising out of any contract entered into by it under this Regulation, for such sum of money or other compensation as it shall deem sufficient.

Provided that, if any sanction in the making of any contract is required by this Regulation, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The municipal council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its officers, and servants under this Regulation.

(3) The municipal fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on behalf of the municipal council.

Assistance for the recovery of rent on land.

177. For the purpose of the recovery of any amount due on account of rent from any person to a municipal council in respect of any land vested in such municipal council, the municipal council shall be deemed to be a superior holder, and every such person, an inferior holder, of such land, within the meaning of sections 97 and 98 of the Mysore Land Revenue Code, 1888, and the municipal council, as superior holder, shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections, superior holders are entitled for the recovery of rent or land revenue payable to them by inferior holders.

limitation of suits, etc.

178. (1) No suit shall be instituted against any municipal council, president, councillor, officer, servant or any person acting under the direction of such municipal council, president, councillor, officer or servant for anything done or purporting to be done under this Regulation, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of a municipal council delivered or left at its office, and, in case of a president, councillor,

officer or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action.

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

Power of police officers.

179. (1) Any police officer may arrest any person committing in his view any offence against any of the porvisions of this Regulation, or of any rule or by-law thereunder, if the name and address of such person be unknown to him, and if he decline to give his name and address, or if the police officer have reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained:

Provided that no person arrested shall be detained without the order of a magistrate longer than shall be necessary for bringing him before a magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the municipal council of the commission of any offence against the provisions of this Regulation, or of any rule or by-law thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority.

CHAPTER XI.

Municipal Accounts and Administration Reports.

Prohibition of expenditure not budgetted for.

180. Except as hereinafter provided, no payment of any sum shall be made out of the municipal fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely:—

(*a*) refunds of taxes and other moneys which the municipal council is authorised by the Regulation or the rules made thereunder to make;

(*b*) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake ;

(*c*) sums which the municipal council is required or empowered by this Regulation to pay by way of compensation ;

(*d*) every sum payable—

(*i*) under sections 195 and 203 by order of the Deputy Commissioner and under sections 196, 197, 198, 200 and 203 by order of the Government,

(*ii*) under a decree or order of a civil court passed against the municipal council,

(*iii*) under a compromise of any suit or other legal proceeding or claim ;

(*e*) expenses incurred in the exercise of power conferred by clause (*a*) of section 56 and sections 154 and 155 ;

(*f*) all contributions payable by the municipal council to the Government for the maintenance of water-supply, dispensaries, schools and other institutions managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or authorities.

Presentation of accounts.

181. (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and at a general meeting which shall be held between the first day of February and the first day of April a complete account of the actual and expected receipts and expenditure for the official year ending on the thirtieth day of June next following together with a budget estimate of the income and expenditure of the municipal council for the official year to commence on the first day of July next following.

Budget estimate.

(2) The municipal council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of July next following. The budget as passed by the municipal council shall be sent to the Deputy Commissioner before such date as may be fixed by the Government, and the Deputy Commissioner shall submit the same to the Government with his remarks, if any, with the least practicable delay.

(3) In such budget estimate, the municipal council shall, among other things—

(*a*) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the municipal council by this Regulation or any other law;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the municipal council may be liable in respect of loans contracted by it;

(*c*) provided for the payment of all sums payable to the Government under sections 196 and 197, and of all contributions, for the maintenance of water-supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or authorities;

(*d*) allow for a balance at the end of the said year of not less than such sum as may from time to time be fixed by the Government, generally for all municipalities or specially for any municipality.

(4) If the budget as submitted, fails to make adequate provision for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made.

Revision of budget.

182. If in the course of the official year the municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 181, and

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 181.

Maintenance of accounts and restrictions on expenditure.

183. (1) Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the municipal fund shall, save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The municipal council shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

Audit of accounts.

184. (1) The municipal accounts shall, from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be prescribed in the rules of the municipal council.

(2) The auditor or auditors shall, for the purposes of their office, have access to all the accounts and other records of the municipal council.

(3) The municipal council shall pay from the municipal fund such charges for the audit as may be agreed upon, and in the case of a Government auditor such charges as may be prescribed by the Government.

Powers of Government auditor.

185. The Government auditor may—

(*a*) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit ;

(*b*) by written requisition require any person accountable for, or having the custody or control, of any such document to appear in person before him ; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Duties of Government auditor.

186. (1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the municipal council a report upon the audit of the municipal accounts ;

(*b*) report to the municipal council and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the municipal council or in the municipal accounts ; and

(*c*) report to the municipal council and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the municipal council caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste ;

Municipal council to remedy defects.

(2) The municipal council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Disallowance by Government auditor and order by Deputy Commissioner.

187. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment.

(2) The Deputy Commissioner may on the report of auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

Appeal from order of Deputy Commissioner.

188. Any person aggrieved by the order of the Deputy Commissioner under the last preceding section may, within one month after he has received or ben served with the decision of the Deputy Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to cost as it may think proper in the circumstances; or in lieu of such application, the person so aggrieved may, within the like period appeal to the Government who shall pass such orders as it thinks fit.

Recovery of amounts disallowed.

189. Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.

Transmission of accounts to Government.

190. The municipal council shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Government or such officer may from time to time direct.

Annual administration report.

191. (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the Government, the municipal council shall submit to the Deputy Commissioner, a report on the administration during the preceding official year in such form and with such details as the Government may direct.

The President shall prepare the report and place it before the Municipal Council for consideration, and forward it to the Deputy Commissioner with the resolution of the Council thereon.

(3) The report may be published in such manner as the municipal council, subject to the approval of the Deputy Commissioner may direct.

CHAPTER XII.

CONTROL.

Powers of inspection and supervision.

192. (1) The Deputy Commissioner or any officer of the Government authorised by the Government by a general or special order shall have power—

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any municipal council or any institution under its control or management, or any work in progress under it or under its direction;

(*b*) to call for any extract from the proceedings of any municipal council or of any committee, or for any book or document in the possession of or under the control of a municipal council; and any return, statement, account, or report which he may think fit to require such municipal council to furnish;

(*c*) to require a municipal council to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such municipal council, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the municipal council, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

(2) All or any of the powers given to the Deputy Commissioner by this section may be delegated by him to the Assistant Commissioner in charge of a taluk in so far as concerns any municipal council in such taluk.

Deputy Commissioner's power of inspection of offices of municipal councils.

193. The Deputy Commissioner shall have power to inspect the office of any municipal council in his district and call for the records of any such municipal council.

Deputy Commissioner's power of suspending execution of order, etc., of municipal councils.

194. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a municipal council, or the doing of anything which is about to be done or is being done by or on behalf of a municipal council, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Deputy Commissioner's order to be reported to Government who may confirm or modify it.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government and to the municipal council affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Provided that no order of the Deputy Commissioner passed under this section shall be confirmed, revised or modified by the Government without giving the municipal council reasonable opportunity of showing cause against the said order.

Extraordinary powers of Deputy Commissioner in case of emergency.

195. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal council is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute, or do it, shall be forthwith paid by the municipal council.

(2) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing any person, who, for the time being, has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(3) The provisions of sub-section (2) of section 194 shall apply, so far as may be, to any order made under this section.

Agency for execution of Public Works.

196. (1) Such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.

(4) If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Special provision in regard to works executed by Government.

197. (1) Notwithstanding anything contained in this Regulation, it shall be lawful for the Government at any time after consulting the municipal council,

(*a*) to construct any work or works of a permanent nature which, in the opinion of the Government is or are necessary or desirable for the health, or safety of the inhabitants, whether within any municipality or without it wholly or in part;

(*b*) to retain the management and maintenance of any such work or to entrust the same, in whole or in part, to the municipal council, or to resume the same from the municipal council;

(*c*) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation;

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of the

municipal council, to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by the Government to be paid by the municipal council under clause (*c*) of the preceding sub-section.

Government inquiry into municipal matters.

198. (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any matters with respect to which its sanction, approval or consent is required under this Regulation.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure in respect of the following matters :—

(*a*) discovery and inspection,
(*b*) enforcing the attendance of witnesses and requiring the deposit of their expenses,
(*c*) compelling the production of documents,
(*d*) examining witnesses on oath,
(*e*) granting adjournments,
(*f*) reception of evidence taken on affidavit, and
(*g*) issuing commissions for the examination of witnesses,

and may summon and examine *suo motu* any person whose evidence appears to him to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

EXPLANATION.—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the Mysore State.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are, to be paid, and to allow interest on costs at a rate not exceeding six per cent per annum; and such costs and interest shall be leviable as an arrear of land revenue.

Power of Government to prevent extravagance in the employment of establishment.

199. (1) If in the opinion of the Government the number of persons who are employed by a municipal council as officers or servants or whom a municipal council proposes to employ, or the remuneration assigned by the municipal council to those persons, or to any particular person, is excessive, the municipal council shall, on the

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requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons.

(2) It shall be lawful for the Government—

Government may require any town municipal council to appoint a health officer or an engineer.

(i) to require, if in its opinion at any time such an appointment is necessary, the appointment of a health officer, or of an engineer or both to be made by any municipal council;

(ii) to make in its discretion an order vetoing the appointment, or continuance in any such office, of any person selected therefor or appointed thereto by any such municipal council, and the tenure of such office by any such person shall cease and determine on and from the date on which such order is communicated to the municipal council;

(iii) to require that any person appointed to be a chief officer shall be invested by any such municipal council with all or any of the powers which can under this Regulation or under any rules in force at the time be lawfully delegated to him, in addition to such powers as are conferred on him by section 211;

(iv) to require that all or any of the powers referred to in section 154 shall be delegated by any such municipal council, whether there be a chief officer or not, to the president, vice-president or any such councillor as the Government may deem fit.

(3) Any requisition issued to the municipal council under clause (i), (iii) or (iv) of sub-section (2) above shall be complied with within such time as the Government may in each case, prescribe in that behalf.

Power of Government to provide for performance of duties in default of municipal council.

200. (1) When the Government is informed on complaint made or otherwise, that a municipal council has made default in performing any duty imposed on it by or under this Regulation, or by or under any enactment for the time being in force, the Government, if satisfied after due inquiry that the municipal council has been guilty of the alleged default, may fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing

it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the municipal council.

(3) If the expense and remuneration are not so paid, the Government may make an order directing any person, who for the time being has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

Power of Government to direct person in custody of municipal fund to pay Government dues.

201. If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority, to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Power of Government to dissolve *or* supersede muncipal council in case of incompetency, default, or abuse of powers.

202. (1) If in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the Official Gazette, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.

Consequences of exercise of such power.

(2) When the municipal council is so dissolved or superseded, the following consequences shall ensue :—

(*a*) all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession as from the date of the order of supersession, vacate their offices as such councillors ;

(*b*) all powers and duties of the municipal council shall, during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf ;

(*c*) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government.

(3) After the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted—

(*i*) in the case of dissolution on the date specified in the order, or

(*ii*) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4), as the case may be.

Power after enquiry to continue period of supersession.

(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

Disputes between a municipal council and one or more local authorities.

203. (1) If any dispute for the decision of which this Regulation does no otherwise provide exists between a municipal council and one or more other local authorities in regard to any matters arising under the provisions of this or any other Regulation and the dispute is not amicably settled—

(*a*) the Deputy Commissioner may take cognizance of the dispute and decide it himself if the dispute is with another municipal council or a village panchayet or a minor municipal council as defined in the Mysore Minor Municipalities Regulation 1933 in the same district and his decision shall be final; and

(*b*) in all other cases, the matter shall be referred to the Government who may take cognizance of the dispute and decide it and the decision of the Government shall be final.

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

Powers of Government to make rules and orders.

204. (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any proceeding for which it considers that a form should be provided.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders—

(*a*) with reference to all matters expressly required or allowed by this Regulation to be prescribed;

(*b*) (*i*) for fixing the dates and the time and manner of holding elections, general or casual, of councillors to be elected ;

(*ii*) for prescribing the qualifications of voters and of candidates ;

(*iii*) for preparing and revising the lists of voters from time to time, fixing the date after which no application for enrolment in any such list under preparation or revision shall be received, declaring the manner in which the right to vote of any undivided family, or any company or firm or any other association or body of individuals or any trustees of any building or land, being two or more in number, entered in such list, may be recorded and exercised and prescribing the restrictions, if any, on the number of votes which a voter may give ;

(*iv*) for determining the manner in which and the authority by whom any objection to such lists in regard to the names entered therein or omitted therefrom may be heard and decided, and to what authority the appeals as to such entries and omissions shall lie ;

(*v*) for prescribing the date, subject to the provisions of sub-section (1) of section 11 for the publication of the municipal election roll ;

(*vi*) for regulating generally elections of councillors and other matters incidental or ancillary thereto including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited ;

(*c*) for the regulation of all or any of the matters specified in clauses (*b*), (*c*), (*e*), (*f*), (*g*) and (*h*) of section 46 ;

(*d*) as to the contributions to be made by the municipal council to the pension and leave allowances of an officer who is serving or who having served under a municipal council has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a municipal council ;

(*e*) for regulating the period of service of all officers and servants, and determining the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities, or compassionate allowances

on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities, or compassionate allowances ; and for prescribing the conditions under which any gratuties, or compassionate allowances may be paid to the surviving relations on the death of any such officers or servants ;

(*j*) as to the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom ;

(*g*) for the proper management and maintenance of any work constructed under section 197 and for the regulation of all matters and things connected therewith ;

(*h*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed out of the municipal fund and the authority by whom, and the conditions subject to which, such plans and estimates for works may be sanctioned ;

(*i*) as to the transfer to municipal councils the management of any institution not otherwise provided for by this Regulation ;

(*j*) as to the intermediate offices, if any, through which correspondence between municipal councils and the Government or Government officers shall pass ;

(*k*) for submission of returns, statements, and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure and the administration reports ;

(*l*) for the regulation of all matters connected with the grant of permission under section 110 ;

(*m*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

(3) A rule may be general for all municipalities, or for all municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more municipalities, as the Government may direct.

(4) All rules made by the Government under this Regulation shall be published in the Official Gazette both in English and Kannada and such rules shall have the force of law after one month from the date of such publication.

Power of Government to cancel or modify by-laws and rules of municipal councils.

205. (1) The Government may at any time by notification in the Official Gazette repeal wholly or in part or modify any rule or by-law made by any municipal council.

Provided that before taking any action under this sub-section, the Government shall communicate to the municipal council the grounds on which it proposes to do so, fix a reasonable period for the municipal council to show cause against the proposal and consider the explanation and objections, if any, of the municipal council.

(2) The repeal or modification of any rule or by-law shall take effect from the date of publication of the notification in the Official Gazette, if no date is therein specified and shall not affect anything done, omitted or suffered before such date.

Delegation of powers by Government.

206. The Government may delegate all or any of its powers under this Regulation to any officer sub-ordinate to it.

Powers of Government and of the Deputy Commissioners over subordinates.

207. In all matters connected with this Regulation, the Government and each Deputy Commissioner shall, respectively, have and exercise the same authority and control over the Deputy Commissioners and their subordinates, as it or he has and exercises over them in the general and revenue administration.

Powers of officers acting for, or in default of, municipal council and liability of municipal fund.

208. When the Deputy Commissioner or any officer of the Government or any person appointed by him or the Government lawfully takes action on behalf or in default of the municipal council under this Regulation, he shall have power to make such contracts as are necessary for the purpose, and shall be entitled to the same protection under this Regulation as the municipal authority whose powers he is exercising, and compensation shall be recoverable from the municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such municipal auhority.

CHAPTER XIII.

Appointment and Powers of Chief Officers.

Appointment of chief officer.

209. (1) Any municipal council may, and when required by the Government by an order in this behalf shall within such time as may be fixed therein, appoint a chief officer for the municipality.

(2) The appointment of a person as chief officer shall be subject to the approval of the Government.

(3) No such officer shall, save with previous approval of the Government, be removable from office, reduced, or suspended unless—

(*a*) by a resolution of the municipal council at a general meeting passed by a majority of not less than two-thirds of the whole number of councillors, or

(*b*) by resolutions of the municipal council at two general meetings convened for the purpose within an interval of not less than one month and not more than four months from each other passed by a majority of not less than one-half of the whole number of councillors.

(4) It shall be in the discretion of the Government to make an order vetoing the continuance in the office of chief officer of any person appointed thereto and the tenure of such office by such person shall cease and determine on and from the date on which such order is communicated to the municipal council.

(5) When a chief officer shall have been appointed, all other officers and servants employed by the municipal council, save such as are excepted by order of the Government from time to time, shall be subordinate to him.

210. The chief officer shall— Duties of chief officer.

(*a*) subject to the general control of the president, perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under this Regulation ;

(*b*) subject to the orders of the president or of the municipal council, as the case may be, take prompt steps to remove any irregularity pointed out by the auditors ;

(*c*) report to the president, and the municipal council all cases of fraud, embezzlement, theft or loss of municipal money or property ;

(*d*) supply any return, statement, account or report or a copy of any document in his charge called for by the municipal council and shall comply with any orders passed by the municipal council thereon ; and

(*e*) subject to the rules prescribed in this behalf under section 204 and subject to the control of the president, perform and exercise the duties and powers of the president specified in clauses (*b*), (*f*) and (*g*) of sub-section (1)

of section 24 and in clause (*e*) of the same sub-section in regard to the officers and servants of the municipal council.

Power of chief officer.

211. The chief officer shall exercise the powers hereinafter specified, and such other powers as may be delegated to him by the municipal council under the provisions of this Regulation :—

(*a*) he shall have power, subject to the provisions of this Regulation and of the by-laws for the time being in force thereunder, to grant, give and issue under his signature all licenses and permissions which may be granted or given by a municipal council under this Regulation, other than licenses for markets or slaughterhouses ;

(*b*) he may, subject to the provisions aforesaid, at his discretion suspend, withhold or withdraw any license in any case in which he is empowered as aforesaid to grant or give a license, and in which the municipal council may under the provisions aforesaid suspend, withhold or withdraw such license ;

(*c*) he shall receive and recover and credit to the municipal fund all fees payable for licenses and permissions granted or given by him under the powers aforesaid ;

(*d*) he may subject to the control of the president and to the provisions of section 38—

(*i*) enter on behalf of the municipal council into contracts which do not involve an expenditure of over fifty rupees ; and

(*ii*) invite, on behalf of the municipal council and by public notice, tenders for the execution of any approved work or for the supply of any materials or goods required by the municipal council ; and

(*e*) he may make such requisitions by written notice, give such written consent or permission, issue such orders and prohibitions, and exercise all such powers as may be made, given, issued or exercised by a municipal council under any provisions contained in—

section 74,
section 78, sub-sections (2) and (3),
section 83,
section 87, sub-sections (3), (4) and (5),
section 89, proviso to sub-section (2),
section 90,
section 91,
section 92,
section 94,

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section 96, sub-section (3),
section 107,
section 109, sub-sections (2), (3) and clause (a) of sub-section (6).
section 111,
section 113,
section 116,
section 120, sub-section (1),
section 121,
section 124,
section 125,
section 127,
section 128,
section 129,
section 130,
section 131,
section 132,
section 133,
section 134,
section 135,
section 136,
section 137,
section 139, sub-section (1),
section 140,
section 143,
section 147, sub-section (3),
section 152,
section 153,
section 154, sub-section (2),
section 162, and
section 163.

Chief officer's powers of appointment and punishment.

212. The chief officer shall, subject to the control of the president and independently of such powers as may be delegated to him by the municipal council in this behalf, have power—

(*a*) to appoint to any post in the inferior service, and to fine, reduce, suspend or dismiss any person holding such post;

(*b*) subject to the provisions of the rules for the time being in force, and subject to conditions and limitations that may be imposed by the Government or the municipal council, to fine, reduce or suspend any other municipal officer or servant.

Provided that his order in respect of any punishment shall be subject to an appeal to the municipal council.

Chief officer may make explanations at meetings.

213. The chief officer may, with the permission of the president, or in virtue of a resolution passed in this behalf at any meeting of the municipal council or of any committee, make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at any such meeting.

SCHEDULE A.

ENACTMENTS REPEALED.

(See Section 2.)

Year.	No.	Title or short title.
1906	VII.	The Mysore Municipal Regulation, 1906.
1911	IX.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1914	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1915	VIII.	A Regulation further to amend the Mysore Mnuicipal Regulation of 1906.
1916	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1918	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1921	I.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1922	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1923	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1926	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1927	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1928	XIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1929	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1930	IX.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1931	VI.	A Regulation further to amend the Mysore Municipal Regulation of 1906.

SCHEDULE I.

[Section 61, Clauses (i), (vi) to (x) and (xiii).]

MAXIMUM RATES OF TAXES OTHER THAN OCTROI, TERMINAL TAX, TAXES ON VEHICLES AND ANIMALS, TOLLS, TAXES ON ARTS, PROFESSIONS, TRADES AND CALLINGS AND SHOP TAX.

Taxes	Maximum rate per year
A. Rate on buildings or lands or both—	
(*i*) Lands not occupied by buildings and not appurtenant to any building or attached thereto for use therewith as a garden or pleasure ground or for the pasturage of animals kept for private use.	Eight annas for every one hundred square yards.
(*ii*) Buildings or lands or both not falling under (*i*)—	
(*a*) In such municipalities as may be specified by the Government.	Six per centum on the annual letting value.
(*b*) In other municipalities	Eight annas for every hundred rupees or portion of hundred rupees of the market value up to two thousand rupees, with four annas for every hundred rupees or portion of hundred rupees for the balance of such value in excess of two thousand rupees.
B. Tax on dogs ..	One rupee per head.
C. Special sanitary cess ..	Rates that may be notified by the Government from time to time.
D. General sanitary cess ..	Do do
E. Water rate or water rates ..	Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by the Government to be reasonable with reference to the expenditure of providing the water supply.
F. Lighting tax	One-third of the rate leviable under item A.
G. Other taxes leviable under clause (xiii) of section 61.	Rates to be fixed by the Government in each case.

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SCHEDULE II.

[Section 61, Clauses (iv) and (v).]

MAXIMUM RATES OF OCTROI AND TERMINAL TAX.

Taxes	*Maximum rates*
A. Octroi—	
Class I—Articles of food or drink for men or animals—	Rs. a. p.
Cocoanuts, fresh	0 0 1 each
Cocoanuts, dry	0 8 0 per maund of 960 tolas
Betel leaves	0 0 1 per bundle of 100 leaves
Sugar	0 4 0 per maund of 960 tolas
Jaggery	0 2 0 per maund of 960 tolas weight.
Ghee	0 8 0 do do
Butter	0 6 0 do do
Oats	1 0 0 per cent *ad valorem*
Bran	1 0 0 do do
Chaff	1 0 0 do do
Class II—Animals used for slaughter—	
Sheep and goats	0 2 0 per head
Class III—Oils and oil-seeds—	
Kerosene oil	0 2 0 per tin
Other oils	0 2 0 per maund of 960 tolas weight.
Oil seeds	0 4 0 per candy of 160 seers
Class IV—Articles used in the construction of buildings—	
1 Timber—	
(*a*) Teak, honne and black wood	4 0 0 per ton of 50 cubic ft.
(*b*) Timber of other kinds	2 0 0 do do
2 Chunam or lime	0 4 0 per cart load
3 Roofing tiles (Mangalore pattern)	1 9 0 per cent *ad valorem*
Class V—Tobacco	4 0 0 per maund of 960 tolas
Class VI—Piece goods and other textile fabrics and manufactured articles of clothing and dress	0 0 3 per rupee *ad valorem*
Cass VII—Metals	1 9 0 per cent *ad valorem*
Class VIII—Other articles which are not specified above and which may be approved by the Government by an order in this behalf	2 0 0 do do
B. Terminal tax	Rates to be fixed by the Government from time to time.

SCHEDULE III.

[See Section 61, Clause (ii).]

VEHICLES, BOATS AND ANIMALS LIABLE TO TAXATION WITH THE MAXIMUM RATES OF TAXATION.

	Yearly. Rs.	a.	p.
For every four-wheeled vehicle with springs constructed to be drawn by two or more horses	20	0	0
For every four-wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks	10	0	0
For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks	6	0	0
For every motor bus or motor lorry	60	0	0
For every motor car weighing 15 cwts. or more	40	0	0
For every motor car weighing less than 15 cwts.	30	0	0
For every motor cycle	15	0	0
For every other vehicle with springs and every palanquin, and every trailer attached to a motor car	6	0	0
For every cart or other vehicle without springs	4	0	0
For every boat	4	0	0
For every bicycle or tricycle	3	0	0
For every elephant	24	0	0
For every camel	12	0	0
For every horse over thirteen hands	10	0	0
For every horse of or under thirteen hands	4	0	0
For every horse of or under eleven hands and for every mule	2	0	0
For every bullock or bull	1	0	0
For every male buffalo	1	0	0
For every ass	0	8	0

SCHEDULE IV.

[See Section 61, Clause (iii).]

MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE MUNICIPAL LIMITS.

		Rs.	a.	p.
1.	On every motor bus as defined in the motor vehicles rules or motor lorry	2	0	0
2.	On every motor car	1	0	0
3.	On every motor tricycle or bicycle or trailer attached to a motor car	0	4	0
4.	On every four-wheeled carriage	0	8	0
5.	On every two-wheeled carriage on springs other than a jutka	0	4	0
6.	On every jutka laden	0	2	0
7.	On every jutka unladen	0	1	0
8.	On every other vehicle with springs including a tricycle or bicycle	0	2	0
9.	On every cart or other vehicle not on springs drawn by two bullocks, buffaloes, horses, ponies, asses, or mules, if laden	0	4	0
10.	On every cart or other vehicle not on springs drawn by two buffaloes, bullocks, horses, ponies, asses or mules, if not laden	0	2	0
11.	On every cart or other vehicle not on springs drawn by single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
12.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0

SCHEDULE V.

[Section 61, Clause (xi).]

MAXIMUM RATES OF TAX ON ARTS, PROFESSIONS, TRADES AND CALLINGS.

CLASS I.

	Yearly.
Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to one thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to one thousand rupees a month or upwards :—	
(i) carrying on business as a company ;	
(ii) abkari renters, wholesale and retail traders, and manufacturers of every kind, contractors, auctioneers and commission agents ;	
(iii) bankers, money-lenders, money-changers and pawnbrokers ;	
(iv) editors and proprietors of newspapers ;	
(v) brokers and dealers in securities, shares or bills of exchange ;	
(vi) practising barristers, advocates, high court vakils, soliciters, attorneys, pleaders, and law agents ;	Rs. 50
(vii) practising medical practitioners of all kinds including hakims and vaidyans ;	
(viii) dentists and veterinary surgeons ;	
(ix) architects and civil engineers ;	
(x) owners and farmers of markets and toll-farmers ;	
(xi) keepers of hotels, lodging houses, or boarding houses ;	
(xii) builders and surveyers ;	
(xiii) owners of mills, warehouses, printing presses, oil presses, cotton presses and other presses and factories of all kinds ;	
(xiv) professional artists, photographers, actors, owners or managers of circuses or theatrical companies, musicians and dancers ;	
(xv) dealers in animals or vehicles, and owners or keepers of livery stables or hackney carriages ;	
(xvi) artizans.	

CLASS II.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to five hundred rupees a month or upwards	25

CLASS III.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to three hundred rupees a month or upwards	12

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CLASS IV.

	Yearly. Rs.
Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to two hundred rupees a month or upwards	8

CLASS V.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to one hundred rupees a month or upwards	4

CLASS VI.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to rupees fifty a month or upwards	2

CLASS VII.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to thirty rupees a month or upwards	1

NOTE.—The foregoing classification is subject to the following provisos, namely:—

PROVISO 1.—No owner of a cotton press shall be placed in any class below class II.

PROVISO 2.—No wholesale trader, banker, barrister, advocate, high court vakil, solicitor, attorney, architect, civil engineer, mill-owner or factory-owner shall be placed in any class below class III.

PROVISO 3.—No abkari renter (other than a mere liquor shop keeper), editor or proprietor of a newspaper, broker or other dealer in securities, shares or bills of exchange, and no pleader, medical practitioner (other than a hakim or vaidyan), dentist or veterinary surgeon shall be placed in any class below class IV.

PROVISO 4.—No auctioneer, money-lender, owner or farmer of a market, toll-farmer, keeper of a hotel, lodging-house boarding-house and no builder, surveyor or owner of a warehouse or press (other than a cotton press or oil press), shall be placed in any class below class V.

SCHEDULE VI.

MAXIMUM RATES OF TAX ON SHOPS AND OTHER PLACES OF BUSINESS OR PROFESSION.

[See section 61, clause (xii).]

Items	Sort					
	1st	2nd	3rd	4th	5th	6th
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Shops.— For each shop per year	30	25	20	10	4	2
2. Other places where business or profession is carried on for purposes of profit.— For each place per year	30	25	20	10	4	2

SCHEDULE VII.

[See clause (b) of section 62.]

*To be inserted if the tax is to be substituted for any existing tax.

Notice is hereby given to the inhabitants of the municipality of .....that the municipal council desires to impose the tax, rate, toll, octroi or cess (as the case may be) defined in the rules appended, [in lieu of the tax known as the.....which is published at page.....of the sanctioned rules.]*

Any inhabitant of the municipality objecting to the proposed tax may, within one month from the date of this notice, send his objctions in writing to the municipal council.

RULES.

[The rules prepared by the municipal council under clause (*a*) of section 62 are to be appended here.]

SCHEDULE VIII.

[See Section 74.]

Form of notice of transfer to be given when the transfer has been effected by instrument.

To the president of the municipal council.

I, A. B., hereby give notice, as required by section 73 of the Mysore Town Municipalities Regulation, 1933 of the following transfer of property :—

Date of notice	Date of instrument	Name of vendor or assignor	Name of purchaser or assignee	Amount of consideration	Description of property					If instrument has been registered, the date of registration	Remarks
					Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries		

(Sd.) A. B.

SCHEDULE IX.

[See Section 74.]

Form of notice of transfer to be given when the transfer has taken place otherwise than by instrument.

To the president of the municipal council.

I, A. B., hereby give notice, as required by section 73 of the Mysore Town Municipalities Regulation, 1933 of the following transfer of property :—

Date of notice	In whose name the property is at present entered in the municipal registers	To whose name it is to be transferred	Description of property					Remarks
			Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries	

(Sd.) A. B.

SCHEDULE X.

[See sub-section (3) of Section 90.]

FORM OF NOTICE OF DEMAND.

To

A. B., residing at.....

Take notice that the municipal council of..... demands from.....the sum of..... .....due from ....on account of.....(here describe the property or other subject in respect of which the tax is leviable) leviable under rule number.....for the period of.....commencing on the day of.....19.....and ending on the..... day of.....19 , and that if, within fifteen days from the service of this notice, the said sum is not paid into the municipal office at.....or sufficient cause for non-payment is not shown to the satisfaction of the municipal council, a warrant of distress will be issued for the recovery of the same with costs.

Dated this.....day of.....19 ,

(Signed)

By order of the municipal council of

SCHEDULE XI.

[See sub-section (1) of Section 91.]

FORM OF WARRANT.

To

(Here insert the name of the officer charged with the execution of the warrant.)

*Here describe the tax.

Whereas A. B. of.....has not paid, and has not shown satisfactory cause for the non-payment, of the sum of..... .....due for the tax*.....mentioned in the margin for the period commencing on the day of 19 and ending with the day of 19 and leviable under rule number

And whereas fifteen days have elapsed since the service on him of notice of demand for the same;

This is to command you to distrain, subject to the provisions of section 91 of the Mysore Town Municipalities Regulation, 1933 the goods and chattels of the said A. B to the amount of , being the amount due from him, as follows:—

	Rs.	a.	p.
On account of the said tax			
For service of notice			

and forthwith to certify to me together with the warrant all particulars of the goods distrained by you thereunder.

Dated this.....day of.....19 ,

(Signed)

President (or as the case may be), see section 91 (2).

SCHEDULE XII.

[See clause (*c*) of sub-section (5) of Section 91 and sub-section (1) of Section 87.]

Form of Inventory and Notice.

To

A. B., residing at.....

Take notice that I have this day distrained the goods and chattels specified in the inventory beneath this, for the value of..... due for the tax*.....mentioned in the margin for the period commencing with the day of 19 , and ending with the day of 19 , together with Rs. due as for service of notice of demand, and that unless within five days from the day of the date of this notice you pay into the municipal office at.....the said amount together with the costs of recovery, the said goods and chattels will be sold.

*Here describe the tax.

Dated this day of 19 .

executing the warrant.
Signature of Officer collecting octroi.
collecting toll.

Inventory.

(Here state particulars of goods and chattels distrained.)

M. N. KRISHNA RAO,
Dewan.

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NOTIFICATION.

Order No. P. 264—Legis. 62-31-4, Bangalore, the 14th July 1933.

Ordered that the accompanying Minor Municipalities Regulation which received the assent of His Highness the Maharaja, on the 28th day of June 1933, be published as Regulation No. IX of 1933, in the *Mysore Gazette* for general information.

S. N. APPANNA IYENGAR,
Secretary to Government,
General Department.

REGULATION IX OF 1933.

(RECEIVED THE ASSENT OF HIS HIGHNESS ON THE 28TH DAY OF JUNE 1933).

THE

MYSORE MINOR MUNICIPALITIES REGULATION.

A REGULATION TO MAKE BETTER PROVISION FOR THE ADMINISTRATION OF SMALL MUNICIPALITIES IN MYSORE.

Whereas it is expedient to make better provision for the administration of small municipalities in Mysore : It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title.

1. (1) This Regulation may be called the Mysore Minor Municipalities Regulation, 1933

(2) It extends to the whole of Mysore.

(3) It shall come into force on the first day of August 1933.

Repeal.

2. On this Regulation coming into force, the enactments mentioned in schedule A shall be repealed in so far as they relate to minor municipalities.

Provided that—

Saving clause.

(*a*) the said repeal shall not affect the validity or invalidity of anything already done under any of the said enactments ;

(*b*) all minor municipalities constituted, municipal councillors appointed or elected, committees established, limits defined, appointments, rules and orders made,

notifications and notices issued, taxes and rates imposed, contracts entered into and suits and other proceedings instituted, under the said enactments or under any enactments thereby repealed shall, so far as may be and so far as they relate to minor municipalities, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Regulation; and

(c) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Interpretation section.

3. In this Regulation, unless there be something repugnant in the subject or context—

(1) "Amildar" includes a Deputy Amildar;

(2) "building" shall include any hut, shed, or other enclosure, whether used as a human dwelling or for any other purpose, and shall also include walls, verandahs, fixed platforms, plinths, doorsteps, and the like;

(3) "councillor" shall mean any person legally a member of a municipal council;

(4) "dangerous disease" shall mean cholera, plague, small-pox, and any endemic, or infectious disease by which the life of man is endangered;

(5) "land" shall include land which is built upon or covered with water;

(6) "municipal council" shall mean the council of a minor municipality;

(7) "municipality" shall mean any local area which is at present a minor municipality and any local area which may hereafter be constituted or declared as a minor municipality under sections 4 and 5, if such municipality has not ceased to be a minor municipality;

(8) "nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;

(9) "official year" shall mean the year commencing on the first day of July;

(10) "owner" shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive

the rent if such land or building were let to a tenant: Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Regulation required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required;

(11) "prescribed" means prescribed by any rule made by the Government under this Regulation;

(12) "public securities" shall mean—

(*a*) securities of the Government of India,

(*b*) securities of the Government of Mysore,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a law in force in Mysore, or

(*d*) a security expressly authorised by any order which the Government makes in this behalf.

(13) "public street" shall mean any street—

(*a*) over which the public have a right of way; or

(*b*) heretofore levelled, paved, metalled, channelled, sewered or repaired, out of municipal or other public funds.

(14) "salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of salary from the Government who is not a full-time servant of the Government;

(15) "street" shall mean any road, footway, square, court, alley, passage or vacant space, accessible whether permanently or temporarily to the public, whether a thoroughfare or not;

(16) "taluk" includes a sub-taluk;

(17) "tax" shall include any toll, rate, cess, fee or other impost leviable under this Regulation;

(18) "vehicle" shall include bicycles, tricycles, automotor cars and every wheeled conveyance which is used or capable of being used on a public street;

(19) "whole number" shall mean when used with reference to the councillors of a municipal council, the total number of councillors holding office at the time.

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CHAPTER II.

THE MUNICIPAL CONSTITUTION AND GOVERNMENT.

Procedure for constituting a minor municipality

4. (1) The Government may by notification in the Official Gazette and by proclamation in the area concerned propose with effect from a date specified therein to declare any local area with a population of not less than three thousand according to the latest census to be a minor municipality, or from time to time, to extend, contract or otherwise alter the limits of any such municipality or to declare that any local area shall cease to be a municipality.

(2) Any inhabitant desirous of preferring any objection to a notification issued under sub-section (1) may, within three months from the date of its publication in the Official Gazette, submit his objection in writing, through the Deputy Commissioner to the Government.

(3) After the expiry of three months from the date of the publication of the notification in the Official Gazette and consideration of such objections as may have been submitted to it, the Government may, by notification, declare the local area to be or to cease to be a municipality or to be excluded from or included in a municipality for the purpose of this Regulation.

Naming of municipalities comprising two or more places.

(4) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.

Conversion of town municipalities into minor municipalities.

5. (1) The Government may, at any time after consulting the municipal council concerned and considering objections, if any, declare by notification in the Official Gazette that any town municipality constituted under the Mysore Town Municipalities Regulation, 1933, which contains a population of not less than three thousand inhabitants be deemed to be a minor municipality constituted under this Regulation and may at any time cancel such declaration.

(2) The provisions of the Mysore Town Municipalities Regulation, 1933, shall not apply to any municipality declared as a minor municipality under sub-section (1) with effect from the date specified in the declaration.

(3) Any appointment, notification, notice, tax, order, scheme, license, permission, rule or form made, issued or imposed under the Mysore Town Municipalities Regulation,

1933, in respect of a municipality declared as a minor municipality, so far as is not inconsistent with the provisions of this Regulation, and any appointment, notification, order, scheme, rule, or form made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Regulation or of such other law in respect of the minor municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule or form made or issued under this Regulation or such other law.

(4) Before any town municipality is constituted into a minor municipality, the procedure prescribed in section 4 shall, as far as may be, be followed.

(5) The property, rights and liabilities of a municipality declared as a minor municipality under sub-section (1) shall vest in the municipal council of the municipality with effect from the date specified in the notification.

Municipal government to vest in municipal council.

6. (1) Except as in this Regulation otherwise expressly provided, there shall be a municipal council for every municipality, and the municipal government of every municipality shall vest in the municipal council.

Incorporation of municipal councils.

(2) The municipal council shall, by the name of the municipality, be a body corporate and have perpetual succession and a common seal, and may sue and be sued in its corporate name.

Constitution of municipal councils.

(3) (*a*) The municipal council shall consist of councillors elected in accordance with the rules prescribed and of councillors, if any, appointed by the Government by name or by office.

(*b*) The number of each class of councillors on each council shall be fixed from time to time by the Government and the number of elected councillors on any municipal council shall not be less than two-thirds of the number of councillors fixed and of the number of appointed councillors, the salaried servants of the Government, if any, shall not exceed one-half.

(*c*) If a councillor is appointed by office, the person for the time being holding the office shall be a councillor.

(*d*) Any vacancy among councillors due either to want of candidates or to failure to elect the required number of councillors which under this section or section 15 or 16 may be elected, may, notwithstanding anything contained in this Regulation, be filled up by the Government appointing a person qualified to be elected and any

person so appointed shall be deemed to be a councillor as if he had been duly elected.

(*e*) When a president appointed or elected under section 10 is not already a councillor, he shall be an additional councillor and the "two-thirds of the number" mentioned in clause (*b*) shall be exclusive of such president.

Publication of names of councillors presidents and vice-presidents in the Official Gazette.

(4) The names of all councillors, presidents and vice-presidents finally elected or appointed to any municipal council shall be published, as soon as conveniently may be, in the Official Gazette.

Qualification of voters.

7. Every person who has completed twenty-one years of age and has been residing in the municipality for a period of not less than six months prior to the date of the election shall be entitled to vote at an election of members of the municipal council.

Qualification of candidates

8. Every person who is entitled to vote at a municipal election and who is not disqualified to be a councillor shall be qualified to be elected as a councillor.

9. (1) (A) No person may be a councillor—

General disqualifications for becoming a councillor.

(*a*) (i) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or

(ii) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(iii) who has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 1933, or under section 14 of the Mysore City Municipalities Regulation, 1933, or

(*b*) who is an undischarged insolvent, and

(B) no person—

(*a*) who is a subordinate officer or servant of a municipal council, or

(*b*) who, save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council,

may be a member of such municipal council.

Provided that—

(*a*) the disqualification in sub-clause (ii) of clause (*a*) will cease to operate after the expiry of the period during which a person is ordered to furnish security ;

(*b*) the disqualification in sub-clauses, (i) and (iii) of clause (A) (*a*) will cease to operate after the expiry of three years from the date of such sentence or removal, or earlier by an order of the Government ;

(*c*) the disqualification under clause (B) (*b*) shall not be deemed to have been incurred if a person has been nominated by the Government as councillor or if he has stood for election with the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated.

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

Disabilities from continuing a councillor.

(2) If any councillor during the term for which he has been elected or appointed—

(*a*) becomes subject to any disqualification specified in clauses (*a*), (*b*) and (B) (*a*) of sub-section (1), or

(*b*) acquires any such share or interest as is specified in clause (B) (*b*) of sub-section (1) without the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated ,or -

(*c*) not being a salaried servant of the Government, absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or

(*d*) fails to pay any arrears of any kind due by him to the municipal council within three months, after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor and his office shall become vacant.

(3) A councillor whose office has become vacant under sub-section (2) shall, if his disability has ceased, be eligible for re-election or re-appointment.

(4.) If any question, dispute, or doubt arises whether any vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question, dispute, or doubt.

Every municipal council to have a president and if the municipal council so desires, a vice-president.

10. (1) For every municipal council there shall be a president, and if and whenever the municipal council so desires, a vice-president.

President to be appointed or elected.

(2) The president may be—

(*a*) appointed by the Government by name, or

(*b*) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which the Government from time to time notifies in this behalf, or

(*c*) if the Government so directs, elected by the councillors from among their number in accordance with the rules prescribed in this behalf, or

(*d*) if the Government so directs, elected by the general body of voters subject to the rules prescribed in this behalf.

Effect of notification of *ex-officio* president.

(3) When an office has been notified under clause (*b*) of sub-section (2), the person from time to time executing the functions of that office shall continue to be president, unless and until such notification is altered or rescinded by the Government.

Vice-President to be elected.

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

Power of Government to appoint the president or vice-president.

(5) The Government, may, for default of election, appoint the president or vice-president.

Amildar to perform the duties of the president when there is no president and vice-president.

(6) During a vacancy in the office of the president and when there is no vice-president to take his place, the Amildar of the Taluk or the person performing the duties of the Amildar for the time being, shall exercise all the powers and perform all the duties of the president and he shall, during such period, be deemed to be a councillor if he is not already a councillor.

Vacation of office by president and vice-president for want of confidence.

(7) Every president other than a salaried servant of the Government appointed ex-officio or by name as president and every vice-president of a municipal council shall forthwith be deemed to have vacated his office—

(*a*) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose; or

(*b*) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than two months and not more than four months from each other.

Removal of presidents and vice-presidents.

(8) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts.

Explanation.—A person may be presumed to be unable to pay his debts, if he is under arrest or imprisonment in execution of the decree of any court for the payment of money.

Vacation of office by vice-president on becoming president.

(9) If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president.

Term of office of president and vice-president.

(10) The term of office of every president and of every vice-president shall, save as otherwise provided in this Regulation, cease on the expiry of his term of office as councillor. Provided that in the case of elected presidents the Government may in special cases, with the consent of the Municipal Council concerned, direct that their term be limited to one year and that elections be held therefor every year.

Consequences of absence of president or vice-president without leave and limit of leave.

(11) Except in the case of a salaried servant of the Government who is either an appointed or *ex-officio* president, every president and vice-president who, for a period exceeding **fifteen** days shall absent himself from the municipality in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president unless leave so to absent himself has been granted by the Deputy Commissioner, and no leave shall be granted under this sub-section for a period exceeding three months at one time.

Determination of validity of elections.

11. (1) At any time within ten days after the date of the declaration of the result of an election of a councillor or of a president under clause (*d*) of sub-section (2) of section 10, any candidate who stood for election or any ten persons qualified to vote at that election may apply together with a deposit of fifty rupees as security for costs to the Munsiff within the local limits of whose jurisdiction

the election has been or should have been held, for the determination of the validity of the election.

Powers of Munsiff holding enquiry.

(2) The Munsiff may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purpose of the said enquiry, the Munsiff may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a civil court and he may also direct by whom the whole or any part of the costs of any such inquiry shall be paid. If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion, if any, of the costs as is in excess of the sum paid at the time of the presentation of the application shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The Code of Civil Procedure shall, as far as possible be followed in such enquiries. An appeal shall lie to the High Court from the order of the Munsiff, provided it is only on a point of law and is preferred within one month from the date of such order exclusive of the time requisite for obtaining a copy of the order. If the Munsiff sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh election.

Declaration in case of corrupt practice by a candidate.

(3) (*a*) The Munsiff, if satisfied that a candidate has within the meaning of sub-section (4) committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

Scrutiny of votes and declaration in other cases.

(*b*) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Munsiff shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected.

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Munsiff finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

What is a corrupt practice.

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section,—

(i) who with a view to inducing any voter to give

or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or,

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

Candidate when deemed to have committed corrupt practice.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent or by a person who is acting under the general or special authority of such candidate with reference to the election.

Promise of individual profit.

Explanation.—"A promise of individual profit" includes a promise for the benefit of the person himself or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

Mere irregularities and informalities not to invalidate election.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (*b*) of sub-section (2) of section 106 or of an irregularity or informality not corruptly caused, the Munsiff shall not set aside the election.

Explanation.—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Regulation or rules made thereunder whereby the result of the election has been materially affected.

Disqualification of candidate for corrupt practice.

(6) If the Munsiff sets aside an election under clause (*a*) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate in that municipality or any other municipality constituted under this Regulation or the Mysore Town Municipalities Regulation, 1933, or under the Mysore City Municipalities Regulation, 1933, for a term of years not exceeding seven, and the Munsiff's decision shall be conclusive :

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made.

Provided further that such person may, by an order which the Government is hereby empowered to make, if

it shall think fit, in that behalf, be at any time relieved from such disqualification.

Term of office of councillors.

12. Except as is otherwise provided in this Regulation, councillors appointed or elected at a general election shall hold office from a date to be mentioned in the notification published under sub-section (4) of section 6 for a term of three years extensible by order of the Government to a term not exceeding in the aggregate four years, if on any occasion the Government shall think fit so to extend the same.

Resignation of councillors, vice-presidents and president.

13. A councillor may resign his membership and a vice-president may resign his office as vice-president by giving notice in writing to that effect to the president, and such resignation shall take effect from the date of the notice.

The president may resign his membership or his office as president by giving notice in writing to that effect to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the notice.

Liability of councillors for removal from office.

14. The Government may, if it thinks fit, on the recommendation of the municipal council supported by at least two-thirds of the whole number of councillors remove any councillor, elected or appointed under this Regulation, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor. Provided that no resolution recommending the removal of any councillor shall be passed by the municipal council unless the councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

Casual vacancies among councillors, president or vice-president how to be filled up.

15. If any casual vacancy occurs in the office of a councillor, president or vice-president, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor, president or vice-president in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Casual vacancies by increasing the number of councillors.

16. In the event of a vacancy occurring by increasing the number of councillors in any municipal council, such vacancy shall be filled up, as soon as conveniently may be by the election or appointment, as the case may be, of a person thereto who shall hold office till the next general election or for such period as the Government may in this behalf notify in the Official Gazette.

17. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation. Bar of suits relating to elections, etc.

18. (1) Every municipal council shall hold an ordinary general meeting in each month for the disposal of general business and the president shall fix the dates for all ordinary general meetings. The president may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the whole number of councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this sub-section, the vice-president or one-third of the whole number of councillors may call for such meeting for a day not more than thirty days after the presentation of such request. Meetings.

(2) No business shall be transacted at any meeting of a municipal council unless one-third of the whole number of councillors be present. If there is no quorum, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and the business which would have been brought before the original meeting had there been a quorum thereat shall be brought before the adjourned meeting and may be disposed of at such meeting. Provided that the president may in respect of urgent items of business included in the agenda and not considered for want of a quorum at the adjourned meeting, assume and exercise the powers of the municipal council and submit a report of action taken immediately to the Deputy Commissioner.

(3) Every meeting of the municipal council shall be presided over by the president, if he is present or if the president is absent, by the vice-president. In the absence of both the president and the vice-president, such one of the councillors present as may be chosen by the meeting to be chairman for the occasion shall preside over the meeting.

(4) All questions before a municipal council shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes.

(5) No councillor shall vote on, or take part in the discussion of any matter before any meeting of the municipal council, if the question is one in which apart from its general

application to the public, he has any direct or indirect pecuniary interest by himself or his partner.

(6) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any councillor may be chosen or elected to preside at the meeting during the continuance of such discussion.

(7) The presiding authority shall preserve order and shall decide all points of order and procedure arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the presiding authority thereon shall be final.

(8) A minute containing the names of the councillors present, an account of the proceedings and a statement of every resolution adopted by the municipal council at every meeting shall be recorded in a book to be kept for the purpose and shall be signed by the presiding authority of the meeting and a copy thereof shall be submitted to the Deputy Commissioner within five days from the date of the meeting.

Committees.

19. Subject to such rules as any be prescribed in this behalf, the municipal council may constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them ; or may appoint individual councillors or committees, to inquire into and report or advise on any matters which it may refer to them.

Rights and privileges of municipal councillors.

20. (1) A councillor may call the attention of the president to any neglect in the execution of the municipal work, to any waste of municipal property, or to the wants of any locality and may suggest any improvements which he considers desirable and may bring up any motion.

(2) Every councillor shall have the right to interpellate the president and to move resolutions on matters connected with the municipal administration, subject to such rules as may be prescribed by the Government.

(3) Every councillor shall have access during office hours to the records of the municipal council after giving due notice to the president, provided that the president may for reasons given in writing forbid such access.

Certain officers entitled to attend and speak at meetings of municipal council.

21. Any officer of the Government authorised by the Government or by the Deputy Commissioner in this behalf shall be entitled to attend any meeting of the municipal council and to address the municipal council on any matter under discussion affecting his department.

22. (1) During any vacancy in a municipal council the continuing councillors may act as if no vacancy had occurred. Vacancy not to affect proceedings.

(2) No act or proceeding of a municipal council, councillor or president shall be deemed to be invalid by reason only of some defect in the constitution of such municipal council or the election or appointment of such councillor or president, or on the ground that they or any of them were disqualified for such office, or that formal notice of the intention to hold a meeting of the council was not duly given or by reason of such act or proceeding having been done during the period of any vacancy in the office of the president or councillor or for any other such informality. Act of municipal councils etc., not to be invalidated.

CHAPTER III.

Functions and Liabilities.

23. (1) It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely:— Obligatory duties.

(*a*) lighting public streets, places and buildings;

(*b*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or not; removing noxious vegetation; and abating all public nuisances;

(*c*) disposing of night-soil and rubbish;

(*d*) extinguishing fires, and protecting life and property when fires occur;

(*e*) regulating or abating offensive or dangerous trades or practices;

(*f*) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or belong to the Government;

(*g*) securing or removing dangerous buildings or places;

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead;

(*i*) constructing, altering, maintaining and improving public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, and providing public facilities for drinking water;

(*j*) providing a supply of water, proper and sufficient to prevent danger to the health of the inhabitants and their domestic cattle;

(*k*) naming streets and numbering houses;

(*l*) registering births and deaths;

(*m*) public vaccination;

(*n*) establishing and maintaining dispensaries, and providing public medical relief;

(*o*) taking such measures as may be required to prevent the outbreak, spread or recurrence of dangerous diseases;

(*p*) any measure likely to promote the health, safety, comfort, convenience, interest or welfare of the public not specified above when directed by the Government.

Discretionary duties.

(2) It shall be within the discretion of any municipal council to undertake and make provision for the following matters within the limits of the municipality, namely:—

(*a*) by a resolution passed at a general meeting and supported by one-half of the whole number of councillors, and with the previous sanction of the Deputy Commissioner, any public reception, ceremony, entertainment or exhibition within the municipality,

(*b*) granting loans to servants employed by the municipal council for construction of houses, subject to the rules prescribed in this behalf,

(*c*) subject to the exceptions and conditions that may from time to time be imposed by the Government, any measure not specified in this sub-section or sub-section (1) likely to promote education or the health, safety, comfort, convenience, interest or welfare of the public.

(3) Notwithstanding anything contained in sub-section (1), the Government may exempt any municipal council from any of the provisions of that sub-section or may declare that in regard to any municipal council any of the duties specified in that sub-section shall be deemed to be discretionary duties within the meaning of sub-section (2).

Power of municipal council to acquire and hold property and to contract.

24. Subject to the rules prescribed, every municipal council shall have power to acquire and hold property, both movable and immovable, whether within or without the limits of the municipality, and to enter into contracts for all or any of the purposes of this Regulation.

Provided that nothing in this section shall empower any municipal council to raise loans except as provided for in section 51

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Contracts by officers appointed by Government to execute municipal works and payment for such works

25. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

Acquisition of land.

26. When any land, whether within or without the limits of the municipality, is required for the purposes of this Regulation, the Government may, at the request of the municipal council, proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894, and on payment by the municipal council of the compensation awarded under that Regulation and of any other charges incurred by the Government in connection with the acquisition, the land shall vest in the municipal council.

Functions of the president.

27. The president of the municipal council shall—

(*a*) convene the meetings of the municipal council,

(*b*) carry into effect the resolutions of the municipal council,

(*c*) furnish to the municipal council such periodical reports regarding the progress made in carrying out its resolutions and in the collection of taxes as it may direct,

(*d*) perform all the duties and exercise all the powers specifically imposed or conferred on the president by this Regulation or the rules thereunder and subject, whenever it is expressly so provided, to the sanction of the municipal council, and subject to all other restrictions, limitations and conditions hereinafter imposed, exercise the executive power for the purpose of carrying out the provisions of this Regulation, and be directly responsible for the due fulfilment of the purposes of this Regulation.

Functions of the vice-president.

28. (1) It shall be the duty of the vice-president of a municipal council to exercise such of the powers and perform such of the duties of the president as the president deputes to him in accordance with general or special rules or orders of the Government issued in this behalf.

(2) The vice-president shall exercise the powers and perform the duties of the president, pending the succession, appointment or election of a president, or during the absence of a president on leave. When the Amildar has been

appointed as *ex officio* president of a municipal council, notwithstanding anything contained in section 13 of the Mysore Land Revenue Code, the vice-president shall exercise the powers and perform the duties of the president during any period when the office of the Amildar is vacant.

Municipal establishment.

29. (1) Every municipal council shall employ such officers and servants as are necessary for the efficient carrying out of the purposes of this Regulation.

(2) The recruitment, pay, leave, punishment, transfer, pensions, gratuities, leave, absentee and travelling allowances, and all other matters relating to the officers and servants of municipal councils shall be regulated by the rules prescribed or the special or general orders of the Government in this behalf.

Municipal councillors, etc., to be public servants.

30. (1) Every municipal councillor, officer or servant, every auditor appointed under section 55, and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipal council.

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

31. (1) Except as herein other wise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of the municipal council, the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president and councillors for loss, waste or misapplication.

(2) Every councillor shall be liable for the misapplication of any money or other property owned by or vested in the municipal council to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Regulation, shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been caused or facilitated by his misconduct.

Institution of legal proceedings against municipal council, president, councillor, officer, servant or agent and bar of certain suits.

32. (1) No suit shall be instituted against any municipal council, or any president, councillor, officer, or servant thereof or any person acting under the direction of any such municipal council, councillor, officer or servant for anything done or purporting to be done under this Regulation, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims has been, in the case of a municipal council, delivered or left at its office, and in the case of any such president, councillor, officer, or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action.

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

Powers to compromise suits and claims.

33. (1) The municipal council or the president with the general or special sanction of the municipal council, may compound or compromise in respect of any suit instituted by or against it or in respect of any claim or demand arising out of any contract entered into under this Regulation, for such sum of money or other compensation as shall be deemed sufficient;

Provided that if any sanction in the making of any contract is required by or under this Regulation or the rules thereunder, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The municipal council or the president with the approval of the municipal council, may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the municipal council, the president and the officers and servants of the municipal council under this Regulation or the rules thereunder.

CHAPTER IV.

CONTROL.

Chief controlling authority.

34. (1) The Government shall be the chief controlling authority in respect of all matters relating to the administration of minor municipalities.

(2) Subject to the control of the Government and of the Deputy Commissioner of the District, the Assistant Commissioner in charge of the Taluk in which the municipality is situated, and in the absence of such an officer, the Deputy Commissioner of the District subject to the control of the Government, shall exercise general powers of inspection, supervision and control over the municipal councils within his jurisdiction and may—

(*a*) call for any record, correspondence, plan, or other document in the possession or under the control of any municipal council;

(*b*) require any municipal council to furnish any return, plan, estimate, statement, account or statistics;

(*c*) require any municipal council to furnish any information or report on any municipal matter;

(*d*) record in writing, for the consideration of the municipal council, any observations which he may think proper in regard to the proceedings or duties of the president or the muuicipal council.

(3) All or any of the powers given to the Assistant Commissioner and the Deputy Commissioner under sub-section (2) may be conferred by the Government on any officer subordinate to it.

Power of Government and Deputy Commissioner to annul or amend proceedings of municipal council.

35. The Government or the Deputy Commissioner may, by order in writing, annul or amend any proceedings or resolution of a municipal council which it or he may consider to be not in conformity with the provisions of this Regulation or any other law or order in force, and may do all things necessary to secure such conformity.

Power to suspend action of the municipal council.

36. The Deputy Commissioner may, by order in writing, suspend the execution of any resolution or order of a municipal council if in his opinion such resolution or order is in excess of the powers conferred on the municipal council by law or if the execution of such resolution or order is likely to lead to a breach of the peace or to cause injury or annoyance to the public or any class or body of persons.

Power to provide for the performance of duties or works in case of default or in case of emergency.

37. (1) In cases of neglect or refusal on the part of the municipal council to perform any prescribed duty or in case of emergency, the Deputy Commissioner or the Assistant Commissioner may perform or cause to be performed such duty or any work which the municipal council is empowered to execute or perform as the case may be.

(2) The Deputy Commissioner or the Assistant Commissioner may direct that the expense of performing any duty or work under the powers vested in him under sub-section (1) with a reasonable remuneration to the person

appointed to perform the duty or work shall be forthwith paid by the municipal council.

(3) If the expense and remuneration are not so paid, the Deputy Commissioner or the Assistant Commissioner, as the case may be, may make an order directing any person, who, for the time being, has custody of any monies on behalf of the municipal council to pay such expense and remuneration from such monies as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

Agency for execution of public works.

38. (1) Such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.

(4) If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Special provisions in regard to works executed by the Government.

39. (1) Notwithstanding anything contained in this Regulation, the Government may at any time after consulting the municipal council—

(*a*) construct any work of a permanent nature which, in the opinion of the Government, is necessary or desirable for the health or safety of the inhabitants of a municipality, whether it be within the municipality or without it wholly or in part ;

(*b*) retain the management and maintenance of any such work or entrust the same in whole or in part to the municipal council, or resume the same from the municipal council ;

(*c*) recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation.

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of any municipal council, to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by the Government to be paid by the municipal council under clause (c) of sub-section (1).

Government inquiry into municipal matters.

40. (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any complaint against the administration by the municipal council or any matters with respect to which the sanction, approval or consent of the Government is required under this Regulation or the rules made thereunder.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure in respect of the following matters :—

(*a*) discovery and inspection,

(*b*) enforcing the attendance of witnesses and requiring the deposit of their expenses,

(*c*) compelling the production of documents,

(*d*) examining witnesses on oath,

(*e*) granting adjournments,

(*f*) reception of evidence taken on affidavit, and

(*g*) issuing commissions for the examination of witnesses ;

and may summon and examine *suo motu* any person whose evidence appears to him to be material ; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the Mysore State.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding six per cent per annum ; and such costs and interest shall be leviable as an arrear of land revenue.

Power of Government to direct person in custody of municipal fund to pay Government dues.

41. If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

42. (1) If in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the official gazette, declare the municipal council to be incompetent or in default, or to have exceeded, or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.

Consequences of exercise of such power.

(2) When the municipal council is so dissolved or superseded, the following consequences shall ensue :—

(*a*) all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from the date of the order of supersession, vacate their offices as such councillors ;

(*b*) all powers and duties of the municipal council shall, during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf ;

(*c*) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government ;

(3) After the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted—

(*i*) in the case of dissolution on the date specified n the order, or

(*ii*) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4) as the case may be.

Power after enquiry to continue period of supersession.

(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

Appointment of inspectors.

43. (1) The Government may appoint such inspectors as may be required for the purpose of inspecting or superintending the operations of all or any of the municipal councils constituted under this Regulation.

(2) All institutions maintained in whole or in part by any municipal council and all registers, books, accounts and other documents relating thereto shall at all times be open to the inspection of the inspectors appointed under sub-section (1) and municipal authorities and municipal officers and servants shall afford to inspectors such access at all reasonable times to municipal property or premises and to all records, accounts and other documents which, subject to the rules prescribed, they may consider to be necessary to enable them to discharge their duty of inspection and superintendence.

Disputes.

44. (1) If any dispute for the decision of which this Regulation does not otherwise provide exists between a municipal council and one or more other local authorities in regard to any matters arising under the provisions of this Regulation or any other law and the dispute is not amicably settled;

(*a*) the Deputy Commissioner may take cognizance of the dispute and decide it himself, if the dispute is with another municipal council of a minor municipality or a village panchayet or a town municipal council as defined in the Mysore Town Municipalities Regulation, 1933, in the same district and his decision shall be final; and

(*b*) in all other cases, the matter shall be referred to the Government who may take cognizance of the dispute and the decision of the Government shall be final.

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

Appeals.

45. (1) Save as otherwise provided for in this Regulation or in the rules prescribed, an appeal shall lie from an order of the president or vice-president to the municipal council and shall be preferred within thirty days

of the date of publication or communication of the order appealed from.

(2) An appeal shall lie to the Government from an order of the Deputy Commissioner under sections 36 and 37 and shall be preferred within thirty days of the date of publication or communication of the order and the decision of the Government shall be final.

CHAPTER V.

Property and Finance.

Property vested in the municipal council.

46. (1) All property of the nature specified in the clauses to this sub-section, not being specially reserved by the Government, shall be vested in and belong to the municipal council, and shall together with all other property of what nature or kind soever, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Regulation :—

(*a*) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots,

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works, and all bridges, buildings, engines, works, materials and things connected with or appertaining to such water works, and also any adjacent land, not being private property, appertaining to any public tank or well,

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto ; all dust, dirt, dung, ashes, refuse, animal matter, filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cesspools or elsewhere,

(*d*) all public lamps, lamp-posts, apparatus connected therewith, or appertaining thereto,

(*e*) all lands and buildings transferred to it by the Government, or by gift or otherwise, for local public purposes,

(*f*) all public streets and the pavements, stones and other materials thereof and also all trees, erections, materials, and implements provided for such streets.

Power of Government to resume property.

(2) It shall be competent to the Government from time to time by notification, to resume any property vested or vesting in the municipal council under this section on such terms as the Government may determine.

Management of public institutions maintained by municipal councils to vest in it.

47. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council by which it is maintained.

Municipal fund, its custody and investment.

48. (1) There shall be in each municipality a fund which shall be called the municipal fund, and it shall be administered by the municipal council.

(2) It shall be lawful for a municipal council to deposit at interest with the Mysore Government savings bank or in any other bank approved by the Government any surplus funds in its hands which may not be required for current charges, and with the sanction of the Government, invest such funds in public securities and vary such investment or dispose of such securities with the like sanction.

(3) The municipal fund over and above what is invested as provided for in sub-section (2) shall be kept in the Government treasury of the taluk in which the municipality is situated or in any bank approved by the Government in this behalf.

Constitution of the municipal fund.

49. The following shall form part of or be paid into the municipal fund :—

(*a*) all taxes, fines, fees, penalties and costs paid to or levied by or on behalf of the municipal council under this Regulation and all fines imposed by a magistrate under this Regulation or the rules thereunder;

(*b*) all rents or income from lands or other properties of the municipal council;

(*c*) all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise;

(*d*) all proceeds of land and other property sold by the municipal council; and

(*e*) all sums received by or on behalf of the municipal council by virtue of this Regulation or any other law.

Application of municipal fund and property.

50. The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in section 23 and for all other purposes for which by or under this Regulation or any other

law for the time being in force powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests.

Municipal council may raise loans and form a sinking fund.

51. It shall be lawful for a municipal council, with the previous sanction of the Government and subject to the conditions imposed by it from time to time, to raise loans for the execution of any work or for the purpose of carrying out any of the provisions of this Regulation, and to form a sinking fund for the repayment of such loans.

Contribution to expenditure incurred by the Government and power to make grant-in-aid.

52. Subject to the rules prescribed, a municipal council may make grants-in-aid to any medical, veterinary, educational or charitable institution or any other institution or object of public utility within or without the area under its authority, whether it be under public or private management, and may vary or cancel such grant.

Maintenance of accounts and restrictions on expenditure,

53. (1) Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the municipal funds hall, save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

Presentation of accounts,

54. Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and it shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

Audit of accounts.

55. The municipal accounts shall, from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be prescribed by the Government.

56. The Government auditor may—

Power of Government auditor.

(*a*) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit ;

(*b*) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him ; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document

or to answer any question or prepare and submit any statement.

Duties of government auditor.

57. (1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the municipal council a report upon the audit of the municipal accounts;

(*b*) report to the municipal council and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the municipal council or in the municipal accounts; and

(*c*) report to the municipal council and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the municipal council caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste;

(2) The municipal council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Surcharge.

58. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of the illegal payment.

(2) The Deputy Commissioner may, on the report of the auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been, but is not, brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

Appeal from order of surcharge.

59. Any person aggrieved by the order of the Deputy Commissioner under the last preceeding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in such a case after taking such evidence as is necessary may confirm, modify or remit such charge with such orders as to costs as it may think proper in the circumstances; or in lieu of such application the person so aggrieved may, within the like period,

appeal to the Government which shall pass such orders as it thinks fit.

Recovery of amount surcharged.

60. Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recove rable by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.

CHAPTER VI.

TAXATION AND RECOVERY OF DUES.

Taxes and fees which a municipal council may levy.

61. (1) The municipal council may, from time to time subject to the provisions of this chapter and the rules prescribed, impose in the whole or in any part of the municipality all or any of the following taxes for the purposes of this Regulation, namely:—

(*a*) an octroi on animals or goods or both brought within the limits of the municipality for consumption or use within those limits;

(*b*) a tax payable by the owners of buildings or lands or both situated within the limits of the municipality;

(*c*) a lighting tax payable by the owners of buildings or lands or both where the lighting of public streets, places and buildings is undertaken by the municipal council;

(*d*) a water-tax where water is supplied by the municipal council;

(*e*) a special sanitary cess upon private latrines, premises, or compounds cleansed by municipal agency;

(*f*) a tax on shops and other places where a business or profession is carried on, payable by the person or persons engaged in the business or profession;

(*g*) a tax payable by the owner on all or any vehicles used for riding, driving, draught or burden kept within the municipality for use;

(*h*) with the sanction of the Government, a toll on vehicles used as aforesaid entering the municipality but not liable to taxation under clause (*g*) of this sub-section;

(*i*) fees—

(i) for exposing goods for sale in any market or place belonging to or under the control of the municipal council or the Government;

(ii) for licenses and permissions issued under this Regulation; and

(iii) for the use of municipal slaughter-houses.

Power of municipal council to levy other taxes and fees.

62. In addition to or in lieu of any of the foregoing taxes, the municipal council may levy with the approval of the Government and subject to such rules as may be prescribed in this behalf, any other tax or fee which may be convenient and suitable to the inhabitants of the municipality.

Rates of taxes and fees.

63. The rates or amounts of taxes and fees shall not exceed the maxima that may be prescribed or those that the Government may in any special case by order direct:

Provided that—

(*a*) the rate of special sanitary cess shall be so fixed that the total proceeds from the cess shall not exceed the amount required for cleansing private latrines or compounds by manual labour or for conducting or receiving the sewage thereof into municipal sewers;

(*b*) the rate of the water tax shall be so regulated that the total proceeds of the tax with the estimated income from payments for water supplied from the works under special contracts, if any, shall not exceed the amount required for the annual maintenance of water supply works and for the repayment with interest of the capital outlay thereon in such number of years as the municipal council may fix with the approval of the Government.

Abolition and suspension of taxes and fees, or variation of rates.

64. The municipal council may, subject to the rules prescribed in this behalf and subject to the control of the Government and to the provisions of sections 71 and 72,

(*a*) abolish any tax or fee and within the limits imposed under section 63, vary the amount or rate of any such tax or fee, and

(*b*) suspend the operation of any tax or fee within any part of the municipality for any specified period.

Exemptions, remissions, and writes off.

65. Subject to the rules prescribed in this behalf, the municipal council may—

(*a*) exempt in whole or in part from the payment of any tax or fee any person or class of persons or any property or animal or description of property or animal;

(*b*) remit the amount of any tax, fee or other due or refund the same if it has been already collected, and

(*c*) write off any irrecoverable amount of tax, fee or other due.

Bar of other proceedings.

66. No objection shall be taken to any valuation, assessment or levy, nor shall the liability of any person to be assessed or taxed be questioned in any other manner or by any other authority than is provided in this Regulation or in the rules prescribed in this behalf.

Compounding for payment of tolls.

67. The president may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the municipal council and to be paid in advance monthly or quarterly or half-yearly in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle into the limits of the municipality, provided that the sum charged shall not be less than one-half of the amount which such person would have been liable to pay if the vehicle had to pay toll once every day during the period for which the pass is issued.

Farming of tolls and fees

68. The municipal council may lease the collection of tolls and fees imposed under clauses (h) and (i) of sub-section (1) of section 61 annually on such conditions as may be approved by the municipal council.

Liability of land, building, etc., for taxes.

69. (1) All sums due on account of taxes imposed in the form of a tax on buildings or lands, or on both shall, subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the building or land in respect of which such tax is payable, and upon the movable property, if any, found within or upon such building or land and belonging to the person liable for such tax or taxes.

Right of occupier to recover from owner.

(2) Any tax or sum leviable under this Regulation from the owner may be recovered from the occupier, and in such case such occupier shall, in the absence of any contract to the contrary, be entitled to recover the same from the owner and may deduct the same from any rent then or thereafter due by him to the owner.

(3) No sum shall under sub-sections (1) and (2) be recoverable from any occupier who is not the owner if it has been due for more than one year or for a period during which such occupier was not in occupation.

Recovery of dues.

70. (1) The amount of taxes, fees, costs and other dues under this Regulation shall be paid in such manner as may be prescribed and in case of default of such

payment shall be recoverable by the distraint and sale of the movable property of the defaulter.

Distress lawful though defective in form.

(2) No distress levied by virtue of this Regulation shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

Limitation of distraint.

(3) No distraint shall be made in respect of any sum due to the municipal council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made in respect of such sum.

Suits for dues not precluded.

(4) Nothing herein contained shall preclude the institution by a municipal council of a suit for any amount due under this Regulation.

Power of Government to suspend or prohibit levy of objectionable taxes.

71. If it shall at any time appear to the Government, on complaint made or otherwise, that any tax leviable by a municipal council is unfair in its incidence, or that the levy thereof or of any part thereof is obnoxious to the interests of the general public, the Government may require the said municipal council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if within the period so fixed such requirements shall not be carried into effect to the satisfaction of the Government, it may by notification in the Official Gazette, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Government may, at any time, by a like notification, rescind any such suspension.

Special powers of Government with regard to taxation.

72. Whenever it appears to the Government that the regular income of any municipal council falls below what is necessary for the proper discharge of its duties, or that the balance of the municipal fund of any municipal council is insufficient for meeting the expenditure incurred under sections 37 and 39, the Government may by notification require the municipal council to impose in the municipality any tax which may be imposed under section 61 and which is not at the time imposed in the said municipality or to enhance the rates of any of the existing taxes in such manner or to such extent as the Government considers fit; and the municipal council shall forthwith proceed to

impose the tax or enhance the rates of the taxes in accordance with the requisition.

Provided that—

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may within thirty days of the notification make against the imposition of such tax or enhancement of the rates of taxes and the orders of the Government shall be final,

(*b*) it shall not be lawful for the municipal council to abolish the tax or to reduce the rates of taxes when imposed under this section, and

(*c*) the Government may at any time concel or modify any requisition made by it under this section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

Receipts to be given for all payments.

73. For all sums paid to a municipal council on account of any tax, fee or other due under this Regulation, a receipt stating the amount and the tax, fee or other due on account of which it has been paid, shall be tendered by the person receiving the same.

CHAPTER VII.

POWERS, OFFENCES AND PENALTIES.

Powers of entry and inspection.

74 It shall be lawful for the president or for any person authorised by the president or the municipal council for such purpose, to enter, for any purpose of this Regulation, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land:

Provided that, except when otherwise provided in this Regulation or the rules thereunder, no building or land which may be occupied at the time shall be entered except with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier.

Provided also that in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupier.

Power of president to temporarily close streets.

75. The president may close temporarily any street or any part thereof for any public purpose.

Power to attach brackets for lamps, name—plates of streets, etc.

76. (1) The president may cause to be attached to the outside of any building brackets for lamps or name plates of streets and may cause a number to be affixed to every house in the municipality for the purpose of identifying it.

(2) No person shall without the authority of the president, disturb, deface or destroy any bracket, name-plate or number attached or affixed under sub-section (1) or any direction—post or lamp-post or extinguish any light maintained by the municipal council in any street or public place.

Permission necessary for certain projections.

77. (1) The president may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall and may prescribe the extent to which, and the conditions under which roofs, eaves, weather-boards, shop boards and the like may be allowed to project over such streets.

Removal of projections.

(2) The president may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which

(*a*) overhangs or juts into, or in any way, projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(*b*) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof:

Provided always that the president shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the president, make reasonable compensation to every person who suffers damage by such removal or alteration.

Obstructions and encroachments upon public streets and open spaces.

78. (1) No person shall without the written permission of the president have built or set up or shall build or set up any wall or any fence, rail, post, stall, verandah, platform, plinth, or any projecting structure or thing, or

other encroachment or obstruction in any public street, except steps over drains or, shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street.

(2) The president shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipal council or not, provided that if the space be vested in Government, the permission of the Deputy Commissioner shall have first been obtained, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment.

(3) Nothing contained in this section shall prevent the president from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than seven days, and in such manner as not to inconvenience the public or any individual.

(4) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 77 or in any case where permission has been given under sub-section (3) of this section.

Control of erection of buildings.

79. (1) Subject to the provisions of sub-section (3) of this section, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the president.

(2) Such permission shall not be refused except for the reason of the site being unsuited on sanitary grounds or for the reason that the building is unsuited for a factory if the building is intended for such use.

(3) Such permission shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of an application in that behalf in writing. Provided that nothing in this sub-section shall authorise any person to build in contravention of any other provisions of this Regulation or the rules thereunder.

(4) No building shall be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipal council, or into some stream or river, or some cesspool or other suitable place which may be approved of by the president.

(5) The president in granting permission to build, may impose in writing such conditions as to level, drainage, sanitation or ventilation, or with reference to the location of the building in relation to any existing building or street, existing or projected, and may require in any locality approved by the Government in this behalf, that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and the municipal council may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building.

(6) Whenever a building is erected, altered, added to or re-constructed without the permission of the president or in any manner contrary to the conditions imposed by the permission or the provisions of this Regulation or the rules thereunder, the president without prejudice to the prosecution of the offender under section 93 may, by written notice—

(*a*) direct that the building, alteration or addition be stopped;

(*b*) require such building, alteration or addition to be altered or demolished as he may deem necessary; and

(*c*) withdraw the permission.

Power of Government to prohibit the erection of buildings in certain areas without permission.

80. (1) Notwithstanding anything contained in section 79, the Government may in the public interest and after consulting the municipal council, prohibit by notification published in the official gazette the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf;

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2).

81. If it appears necessary to improve the sanitary condition of any area within its jurisdiction, the municipal council may by a written notice require within a reasonable period specified therein—

Power with regard to huts, privies, etc.

(i) the owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part;

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(ii) the owner or occupier of any building to provide any drain, privy or cesspool or any additional drains, privies or cesspools therefor or to repair, alter or put in good repair the drains, privies, or cesspools thereof.

Power as regards sanitation, drainage, etc.

82. (1) The president may by a written notice require within a reasonable time specified therein—

(*a*) the owner or occupier of any land or building which needs to be cleansed or which is kept in a filthy or unwholesome state to cleanse it or otherwise put it in a proper state;

(*b*) the owner or occupier of any land or building which contains a pool, ditch, tank, well, hole or any place containing or used for the collection of any drainage, filth or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be cleansed, filled or deepened or cause the water to be removed or drained or to take such other action therewith as may be deemed necessary by the president;

(*c*) any person who, without the written permission of the municipal council, newly erects or rebuilds any building over any sewer, drain, culvert, watercourse, or water-pipe, vested in the municipal council, to pull down or otherwise deal with the building as the president thinks fit;

(*d*) the owner or occupier of any building or any well, tank, reservoir, pool, depression or excavation which is, for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working therein or in the neighbourhood, to repair, protect or enclose the same;

(*e*) the owner or occupier of any land overgrown with vegetation, undergrowth, prickly-pear or jungle which is in any manner injurious to health, or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, undergrowth, prickly-pear or jungle;

(*f*) the owner or occupier of any building, wall or structure or anything affixed thereto, or any bank or tree which is deemed by the president to be in a ruinous state or in any way dangerous, to remove the same or to cause such repairs to be made thereto as the president may deem necessary for the public safety;

(*g*) the owner or part-owner or any person claiming to be the owner or part-owner of any building or land which

by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same.

(2) If the owner or occupier of a building or land is not known, the municipal council may, in cases falling under clauses (*b*), (*d*), (*e*), (*f*) and (*g*), carry out the work and the cost of such work may be recovered from him within three years.

Depositing or throwing rubbish, etc., on roads or into drains and discharging sewage.

83. No person shall—

(*a*) without the written permission of the president or in disregard of the orders of the president or the municipal council, throw or deposit, or permit his servants, or members of his household under his control to throw or deposit earth or materials of any description, refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith;

(*b*) without the written permission of the president, cause or allow the water of any sink, sewer or cesspool or any other offensive matter, to flow, drain or be put upon any street or public place or into any sewer or drain not set apart for the purpose.

Power to lay or carry pipes, drains or sewers through private property.

84. (1) The municipal council may, for the purpose of carrying out, establishing or maintaining any system of drainage, sewerage or water-supply, carry any pipe, drain, sewer or channel of any kind into, through, across, under, over or up the side of any land or building whatever situated within the limits of the municipality, and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such pipe, drain, sewer or channel:

Provided that—

(*a*) reasonable notice shall be given to the owner or occupier of any such land or building; and

(*b*) reasonable compensation shall be paid to the owner or occupier for any damage sustained by him and directly occasioned by the carrying out of any such operations or for any substantial interference with the rights of such owner or occupier to the due enjoyment of such land or building.

(2) No person shall, without the written permission of the president at any time make, or cause to be made, any connection or communication with any pipe, drain,

sewer or channel constructed or maintained by or vested in the municipal council for any purpose whatsoever.

(3) The municipal council may without prejudice to the prosecution of the offender under section 93, close, demolish, alter or remake any connection or communication made in contravention of the provisions of sub-section (2) and the expenses thereby incurred shall be paid by the person making such connection or communication.

(4) When any such work as is referred to in sub-section (1) is constructed or maintained by the Government under the powers vested in it by section 39, the powers of the municipal council under sub-sections (1), (2) and (3) shall be exercised by such officer as the Government may direct.

Power of municipal council to provide for proper water supply.

85. (1) For providing the area under its control or any part thereof with a supply of water, proper and sufficient, for public and private purposes, the municipal council may—

(*a*) construct, repair and maintain tanks or wells and clear out streams or water-courses;

(*b*) purchase or acquire by lease or gift any tank, well, stream or water-course, or any right to take or convey water within or without the area under its control;

(*c*) with the consent of the owner thereof, utilise, cleanse or repair any tank, well, stream or water-course or provide facilities for obtaining water therefrom;

(*d*) contract with any person for a supply of water; or

(*e*) do any other acts necessary for carrying out the purposes of this section.

(2) The municipal council may, by order published at such places as it may think fit, set apart for the supply to the public of water for drinking or culinary purposes, any tank, well, stream, or water-course in respect of which action has been taken under clause (*a*) or (*b*) or (*c*) of sub-section (1), subject to any rights which the owner referred to in clause (*c*) of that sub-section may retain with the consent of the municipal council.

(3) The municipal council may, by order published at such places as it may think fit, prohibit—

(*a*) all bathing, washing of clothes, vessels and animals or other acts calculated to pollute the water of any tank, well, stream or water-course set apart for drinking or culinary purposes under sub-section (2); and

(*b*) during epidemics, the use of any source of water-supply for drinking or culinary purposes or for the washing of clothes.

Provided that the president may, in cases of emergency, exercise the powers of the municipal council under clause (*b*) and report the action taken for the orders of the municipal council.

Unwholesome articles of food and drink.

86. (1) The president, or any person authorised by him in this behalf, may at any reasonable time enter into and inspect any market, building, shop, stall or place used for the storage or sale of articles of food or drink or of drugs, or used for the slaughter of animals, and examine any article of food or drink or any drug or animal which may be therein, and if any article of food or drink or any drug or animal therein appears to be intended for human consumption and to be unfit therefor, he may seize the same.

(2) If the owner or person in whose possession such article, drug or animal is found consents thereto, the president, or the authorised person may destroy it, or dispose of it so as to prevent its being exposed for sale or use for human consumption.

(3) If such article, or drug is of a perishable nature, it may be disposed of in the manner specified in sub-section (2) without the consent of the person in possession.

(4) In cases not falling under sub-sections (2) and (3), the article, drug or animal seized as aforesaid shall be removed forthwith and placed before a magistrate for orders under section 95.

Feed animals on deleterious substance.

87. No person shall feed, or allow to be fed, on any deleterious substance, filth or refuse of any kind, any animal which is kept for supplying milk or milk products or is intended for human consumption.

Acts done by persons suffering from certain diseases.

88. No person suffering from a loathsome, infectious or contagious disease shall—

(*a*) make or offer for sale any article of food or drink for human consumption or any medicine or drug, or

(*b*) wilfully touch any such article, medicine or drug, when exposed for sale by others, or

(*c*) take any part in the business of washing or carrying clothes.

Places for slaughter of animals for sale.

89. (1) The municipal council may fix premises for the slaughter of animals or animals of any specified description, for sale, either within the municipality, or with the approval of the Deputy Commissioner beyond the limits of the municipality.

(2) No person shall, without the license of the president, use any such premises, for slaughter of animals for sale.

(3) The president may grant, suspend, withhold or withdraw licenses for the use of such premises, or if they belong to the municipal council, charge rents or fees for the use of the same.

(4) When any such premises have been fixed under sub-section (1), no person shall slaughter any such animal for sale at any other place within the municipality.

Premises not to be used for certain purposes without a license.

90. (1) The municipal council may notify that no place within the area under its authority shall after sixty days from the date of such notification be used without a license from the president and except in accordance with the conditions specified therein for any of the purposes specified in Schedule B.

(2) Whenever it is shown to the satisfaction of the municipal council that any place licensed under sub-section (1) is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the municipal council may by notice require the occupier of the place to discontinue the use thereof, or to use the place in such manner as will, in the opinion of the municipal council, render it no longer a nuisance or dangerous.

(3) No person shall use any premises without a license or in contravention of the conditions specified therein for any purpose for which a license is required under sub-section (1), or, after notice has been given under sub-section (2), use such place or permit it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous.

President, etc., to have power of entry for inspection into buildings etc., where infectious disease exists.

91. (1) The president or any person authorised by the president or the municipal council in this behalf, may enter at any time, after reasonable notice, into any building or premises in which any dangerous disease is reputed or suspected to exist, for the purpose of inspecting such building or premises.

Inspection to be made between sunrise and sunset.

(2) No such inspection shall be made except between sunrise and sunset.

Disinfection of buildings, etc.

(3) If the president or such person is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease, he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice; provided that if the president

or such person considers that immediate action is necessary or that the owner or occupier, is by reason of poverty or otherwise, unable effectually to comply with his requisition, he may himself cause such building or premises or articles to be cleansed or disinfected, and for this purpose may cause such articles to be removed from such building or premises; and the expenses incurred by the president or such person under this sub-section shall be recoverable from the said owner or occupier unless he was, by reason of poverty, unable effectually to comply with his requisition.

Burial and burning grounds.

92. (1) The municipal council may, with the previous approval of the Deputy Commissioner, provide suitable places for burial or burning either within or beyond the municipal limits.

(2) No place shall be made or formed as a burial or burning ground after the commencement of this Regulation, without the permission in writing of the municipal council.

(3) If the municipal council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, it may submit its opinion with the reasons therefor to the Government through the Deputy Commissioner, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(4) A copy of the said notification both in English and Kannada shall be published in the official gazette, and shall be posted up at the municipal office and in one or more conspicuous parts on or near the place to which the same relates.

(5) No person shall bury, or burn, or cause or permit to be buried or burnt, any corpse in any burial or burning ground made or formed in contravention of sub-section (2) or after the date specified in the notification published under sub-section (4).

Certain offences punishable with fine.

93. Whoever contravenes the provisions of or fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of

(i) section 76, sub-section (2),
(ii) section 78, sub-section (1),
(iii) section 79, sub-sections (1) and (4),
(iv) section 83,

(v) section 84, sub-section (2),
(vi) section 85, sub-section (3),
(vii) section 87,
(viii) section 88,
(ix) section 89, sub-sections (2) and (4),
(x) section 90, sub-section (3),
(xi) section 92, sub-sections (2) and (5), and
(xii) section 103, sub-section (3)

shall, on conviction before a magistrate, be punished with fine which may extend to rupees fifty. He may also be punished with further fine which may extend to ten rupees for every day on which such offence is continued after the date of conviction or any subsequent date as may be fixed by the magistrate.

Penalty for building in contravention of section 80.

94. Whoever erects any building contrary to the provisions of sub-section (1) of section 80 or the conditions imposed under sub-section (2) of that section, shall on conviction before a magistrate, be punished with fine which may extend to two hundred rupees.

Penalty for possession of articles or animal unfit for human consumption or adulterated drug.

95. If any animal, article or drug is brought before a magistrate under sub-section (4) of section 86, the magistrate, on its being proved that the article or animal was intended for human consumption and is unfit therefor, or that the drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption, and the drug to be dealt with, as he may think fit, and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to one hundred rupees.

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee thereof, in ignorance of its nature shall not be liable to fine under this section.

Penalty on president, councillor, officer or servant of municipal council being interested in contract made with the municipal council.

96. If any president, councillor, officer, or servant of a municipal council has, without the written permission of the Assistant Commissioner or the Deputy Commissioner, directly or indirectly, any share or interest in any work done by order of or on behalf of the municipal council or in any contract with or under the municipal council, he shall on conviction before a magistrate be punished with fine which may extend to two hundred rupees.

Punishment for disobedience to orders and notices not punishable under any other section.

97. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued under any power conferred by this chapter or fails to comply with the conditions subject to which any permission was given to him under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees. He may also be punished with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Regulation, it shall rest with the magistrate to determine whether the time so fixed was reasonable time within the meaning of this Regulation.

Municipal council or president may prosecute.

98. (1) The municipal council or the president, may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any person offending against the provisions of this Regulation or of any rule thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund.

Provided that no prosecution for an offence under this Regulation or the rules thereunder shall be instituted except within six months next after the commission of such offence.

Jurisdiction of magistrate.

(2) Any prosecution under this Regulation or under any rule thereunder may be instituted before any magistrate, and every fine or penalty imposed under or by virtue of this Regulation or any rule thereunder, and any compensation, expenses, charges or damages for the recovery of which no special provision is otherwise made in this Regulation, may be recovered on application to any magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

Powers and duties of police officer.

99. (1) Any police officer may arrest any person committing in his view any offence against any of the provisions of this Regulation or of any rule thereunder, if the name and address of such person be unknown to him, and if such person declines to give his name and address, or if the police officer has reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address have been correctly ascertained.

Provided that no person arrested shall be detained without the order of a magistrate longer than shall be necessary for bringing him before a magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the municipal council of the commission of any offence against the provisions of this Regulation, or of any rule thereunder, and to assist the president, councillors, municipal officers and servants in the exercise of their lawful authority.

Powers to compromise and compound offence.

100. The president or any person authorised by the municipal council may, and when directed by the municipal council, shall—

(*a*) compromise with any person who in the opinion of such president, person or municipal council, as the case may be, has committed an offence punishable under this Regulation or any rule thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence;

(*b*) withdraw from prosecutions instituted under this Regulation or any rule thereunder;

(*c*) compound any offence against this Regulation or any rule thereunder which may by rules made by the Government be declared compoundable.

CHAPTER VIII.

MISCELLANEOUS.

Public and general notices how to be published.

101. (1) Every notice which this Regulation requires or empowers a municipal authority to give or to serve either as a public notice, or generally or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period, and in such other public buildings and places or is published in such local paper or in such other manner as the municipal council in this behalf determines.

Service of notices, etc., addressed to individuals.

(2) When any notice or other document is required by this Regulation or by any rule or order made under it to be served on, or sent to, any person, the service or sending thereof may be effected—

(*a*) by giving or tendering the said document to such person; or

(*b*) if such person is not found, by leaving such document at his last known place of residence or business, or by giving or tendering the same to some adult member or servant of his family ; or

(*c*) if such person does not reside in the municipality and his address elsewhere is known to the president, by sending the same to him by post registered ; or

(*d*) if none of the means aforesaid be available, by fixing the same in some conspicuous part of his last place of residence or business.

Service of notices, etc., on owners and occupiers of buildings and lands.

(3) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers, it shall be sufficient to serve it on, or send it to, any one of such owners or occupiers.

Defective form not to invalidate notice or bill.

(4) No notice or bill shall be invalid for defect of form.

Execution of acts required to be done by any notice.

(5) When any notice under this Regulation requires any act to be done for which no time is fixed by this Regulation, the notice shall fix a reasonable time for doing the same.

Municipal council in default of owner or occupier may execute works and recover expenses.

102. (1) Where under the provisions of this Regulation any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the municipal council, whether any penalty is or is not provided for such default, may cause such work to be executed ; and the expenses thereby incurred shall, unless otherwise expressly provided in this Regulation be paid to the municipal council by the person by whom such work ought to have been executed, either in one sum or by instalments as the municipal council may decide.

Occupier in default of owner, may execute works and deduct expenses from his rent.

(2) Where default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such buildin or land may, with the approval of the president, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings in case of obstruction of owner by occupier.

103. (1) The owner of any land or building may, if he is prevented by the occupier thereof from complying with any provision of this Regulation or of any rule thereunder, or with any requisition made under any such provision in respect of such land or building, apply to any magistrate having local jurisdiction.

(2) The magistrate, on receipt of any such application, may make a written order requiring the occupier of the land or building to afford all reasonable facilities to the owner for complying with the said provision or requisition and may also, if he thinks fit, direct that the costs of such application and order be paid by the occupier.

(3) After eight days from the date of any such order, the said occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be prescribed in the said order, and in the event of his continued refusal to do so, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

(4) In cases falling under sub-section (3), the occupier shall be liable to comply with the provisions of this Regulation in place of the owner.

Determination of compensation in certain cases.

104. (1) If an agreement is not arrived at with respect to any compensation or damages which are by this Regulation directed to be paid, the amount and if necessary the apportionment of the same shall be ascertained and determined by the Assistant Commissioner in charge of the Taluk in which the municipality is situated and in the absence of such an officer by the Deputy Commissioner.

Provided that nothing in this sub-section shall prevent the aggrieved party from seeking redress in a civil court of competent jurisdiction.

(2) In any case where the compensation is claimed in respect of any land, the procedure prescribed by the Land Acquisition Regulation, 1894, for proceedings in matters referred for the determination of the court shall, as far as may be, be followed.

Damage to municipal property how made good.

105. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Regulation, any damage to the property of the municipal council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted; and on non-payment of such damage on demand the same shall be levied by distress and such magistrate shall issue his warrant accordingly.

Power of Government to make rules and orders.

106. (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any

proceeding for which it considers that a form should be provided.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders.

(*a*) with reference to all matters expressly required or allow by this Regulation to be prescribed;

(*b*) for regulating the election of councillors, presidents and vice-presidents, or their appointment and other matters incidental or ancillary thereto or to the constitution of committees;

(*c*) for the conduct of business of municipal councils and the channel of communication between municipal councils and the Government or its officers;

(*d*) for prescribing the duties of municipal officers and servants and the conditions subject to which they may be employed;

(*e*) for submission of returns, statements and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure;

(*f*) as to the preparation of plans and estimates for works which are to be wholly or partly constructed at the expense of the municipal fund and as to the powers of the municipal council or the Government Officers to accord professional or administrative sanction to estimates;

(*g*) for the appointment of assessors for assessing the value of buildings and lands for the purpose of levying any taxes under this Regulation and for preventing evasion of assessment and payment of taxes;

(*h*) as to the inspection and proper management and maintenance of any work of a permanent nature constructed by the municipal council or by the Government for the use of the inhabitants of a municipality, whether it be within the municipality or beyond the limits thereof;

(*i*) for conserving and preventing injury to sources and means of water-supply (including private wells which are used by the public) and appliances for the distribution of water, whether within or without the limits of the municipality, and regulating all matters and things connected with the supply and use of water;

(*j*) for the regulation and inspection of municipal markets and slaughterhouses, whether within or without the limits of the municipality, and all places used by or for animals which are for sale or hire, or the produce of which is sold, and all places used for any purpose for which a license is required under this Regulation and regulating

the conditions subject to which licenses or permissions may be issued, suspended, cancelled or refused ;

(*k*) regulating the construction of buildings and huts and prescribing the conditions and terms that may be imposed in this behalf ;

(*l*) as to the restriction on, and the prohibition of the use of inflammable materials in buildings and for the prevention of out-break of fire ;

(*m*) for the registration of shops for the sale of drugs and the licensing of persons who act as compounders or dispensers therein ;

(*n*) as to the proper registration of births and deaths and taking of a census and enforcing the supply of such information as may be necessary to make such registration or census effective ;

(*o*) as to the disposal of carcasses of animals dying within the municipal limits and the disposal of corpses by burial or burning in burial and burning grounds, whether within or without the municipal limits ;

(*p*) as to enforcing the supply of information as to cases of dangerous diseases among human beings and infectious diseases among cattle and preventing, meeting, mitigating, or suppressing such diseases or the outbreak or introduction thereof ;

(*q*) as to the disposal of mad and stray dogs ;

(*r*) as to the regulation and improvement of conservancy and sanitation and prohibiting public nuisances ;

(*s*) for the regulation of all matters connected with the grant of permission under section 80 ;

(*t*) with reference to any other matter affecting the public health, comfort, safety or convenience for which the Government consider that rules may be framed ; and

(*v*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

(3) A rule may be general for all municipalities, or for all municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more municipalities, as the Government may direct.

(4) All rules made by the Government under this Regulation shall be published in the official gazette both in English and Kannada and such rules shall have the force of law after one month from the date of such publication.

Power of Government to delegate its powers under the Regulation.

107. The Government may, subject to such conditions and restrictions as may be prescribed, delegate any of its powers under this Regulation to any officer subordinate to it.

Power of Government to confer on the holders of alienated villages or their agents powers of an Assistant Commissioner or a Deputy Commissioner.

108. The Government may, subject to such conditions and restrictions as may be prescribed, confer on the holder of any alienated village which is constituted as a municipality under this Regulation or on the agent of such holder, all or any of the powers of an Assistant Commissioner or a Deputy Commissioner under this Regulation.

SCHEDULE A.

ENACTMENTS REPEALED.

(*See Section* 2.)

Year	No.	Title or short title.
1906	VII.	The Mysore Municipal Regulation, 1906.
1911	IX.	A Regulation to amend the Mysore Municipal Regulation of 1906.
1914	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1915	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1916	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1918	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1921	I.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1922	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1923	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1926	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1927	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1928	XIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1929	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1930	IX.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1931	VI.	A Regulation further to amend the Mysore Municipal Regulation of 1906.

SCHEDULE B.

Purposes for which premises may not be used without a license.
(*See Section 90*)

(*a*) As a shop for the sale of animals intended for human food or of meat or of fish,

(*b*) as a dairy, hotel, restaurant, eating house, coffee-house, sweet-meat shop or bakery or for manufacturing aerated waters,

(*c*) for any of the purposes mentioned hereunder:—

(1) for boiling or storing offal, blood, bones or rags,

(2) for salting, curing and storing fish,

(3) for storing hides, horns, skins or organic manure,

(*d*) any other purpose affecting public health, sanitation or safety that may be notified by the Government.

M. N. KRISHNA RAO,
Dewan.

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NOTIFICATION.

Order No. P. 248—Legis. 35-30-4, dated Bangalore, 12—14th July 1933.

Ordered that the accompanying Regulation to amend the Hindu Law as to the Rights of Women which received the assent of His Highness the Maharaja, on the 29th day of June 1933, be published as Regulation No. X of 1933, in the *Mysore Gazette* for general information.

S. N. APPANNA IYENGAR,
Secretary to Government,
General Department.

REGULATION X OF 1933.

RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 29TH DAY OF JUNE 1933.

Regulation to amend the Hindu Law as to the Rights of Women and in certain other respects.

Whereas it is expedient to amend the Hindu Law as to the Rights of Women, and in certain other respects; It is hereby enacted as follows :— Preamble.

PRELIMINARY.

1. (1) This Regulation may be called the Hindu Law Women's Rights Regulation, 1933. Short title.

(2) It extends to the whole of Mysore. Extent.

(3) It shall come into force on the first day of January 1934. Commencement.

2. (1) This Regulation applies to persons who but for the passing of this Regulation, would have been subject to the law of Mitakshara in respect of the provisions herein enacted. Application.

(2) Save as aforesaid, nothing herein contained shall be deemed to affect any rules or incidents of the Hindu Law which are not inconsistent with the provisions of this Regulation.

Interpretation clause.

3. In this Regulation, unless there is anything repugnant in the subject or context—

(*a*) "agnate" means a relative connected by an unbroken line of male descent from a common ancestor, and includes a female related to an agnate by marriage;

(*b*) "ancestor" includes three generations, male or female, in ascent from the same person;

(*c*) "cognate" means a relative connected by a line of descent from a common ancestor broken by one or more female links, and includes a female related to a cognate by marriage;

(*d*) "full estate" means the sum total of the rights exercisable over any property, including the power of unfettered disposal *inter vivos* and by will;

(*e*) "Hindu" means a person governed by the Mitakshara School of Hindu Law;

(*f*) "issue" includes three generations, male or female, in descent from the same person;

(*g*) "last full owner" means the person in whom the full estate in any property was last vested at the time of his or her death;

(*h*) "limited estate" means any estate other than a full estate;

(*i*) "next reversioner" includes, where the next reversioner is a female, also the next male reversioner, and, where there are more reversioners than one, the whole body of reversioners next entitled to the reversion at any given time;

(*j*) "propositus" means the person whose relatives are to be reckoned;

(*k*) "relative" means a person connected either by blood, that is to say, through descent from a common ancestor, or by marriage with a person connected by blood.

PART I.

INHERITANCE.

Order of succession.

4. (1) The succession to a Hindu male dying intestate shall, in the first place, vest in the members of the

family of the propositus mentioned below, and in the following order:—

(i) the male issue to the third generation;
(ii) the widow;
(iii) daughters:
(iv) daughters' sons;
(v) the mother;
(vi) the father;
(vii) widows of predeceased sons;
(viii) sons' daughters;
(ix) daughters' daughters;
(x) brothers of the whole blood;
(xi) brothers of the half blood;
(xii) sons' sons' daughters, sons' daughters' sons, sons' danghters' daughters, daughters' sons' sons, daughters' sons' daughters, daughters' daughters' sons, and daughters' daughters' daughters;
(xiii) widows of predeceased grandsons and great grandsons.

(2) On failure of the family of the propositus, the succession shall pass to the family of the father of the propositus mentioned below, and in the following order:—

(i) brothers' male issue to the second generation;
(ii) sisters;
(iii) half sisters;
(iv) sisters' sons;
(v) half sisters' sons;
(vi) the father's mother;
(vii) the father's father;
(viii) step-mothers;
(ix) brothers' widows;
(x) brothers' daughters;
(xi) sisters' daughters;
(xii) father's brothers of the whole blood;
(xiii) father's brothers of the half blood;
(xiv) brothers' sons' daughters, brothers' daughters' sons, brothers' daughters' daughters, sisters' sons' sons, sisters' sons' daughters, sisters' daughters' sons, and sisters' daughters' daughters;
(xv) widows of brothers' male issue to the second generation.

(3) On failure of the family of the father of the propositus, the succession shall pass to the family of the paternal grandfather, and next thereafter to the family

of the paternal great-grandfather; the members of each family ranking among themselves in the same relative order as the members corresponding to them in the family of the father.

(4) On failure of the families of paternal ancestors to the third degree as above, the succession shall pass to the maternal ancestors to the third degree and their respective families, one after the other, and under the same rules *mutatis mutandis* as to relative order within each such family as are applicable to the families of the paternal ancestors.

(5) The members (where there are more than one) of each of the groups indicated above by Roman numerals and of the groups corresponding to them under sub-sections (3) and (4) shall, among themselves, take simultaneously and in equal shares (*per capita*), provided that the male issue of the propositus shall take according to stock (*per stirpes*).

(6) Every reference to the son of a female relative in this section shall be read as excluding a son adopted after the death of such female relative.

Illustration.—A sister's son does not include a son adopted after the sister's death.

General rules as to order of preference.

5. Except as otherwise specially provided in the preceding section and in section 12, the order of preference among heirs shall be regulated by the following rules:—

Firstly, a nearer line shall exclude one more remote.

Explanation to Rule I.—The descendants of the propositus constitute a nearer line than those of the father, the descendants of the father a nearer line than those of the grandfather, and so on, up to a limit of three degrees from and exclusive of the common ancestor in each case.

Secondly, within each line limited as aforesaid, agnates shall be preferred to cognates irrespective of degree.

Thirdly, among agnates, and likewise among cognates, heirs nearer in degree to the propositus shall exclude those more remote; but where the degrees are equal, a male shall be preferred to a female.

Explanation to Rule III.—Male issue up to three generations shall count as one degree for the purpose of this Rule.

Fourthly, in the absence of any ground of preference as herein provided, heirs of the same degree reckoned from the propositus shall take equally.

PART II.

SEPARATE PROPERTY, PARTITION AND ADOPTION.

Self-acquisitions deemed to be separate property.

6. (1) Property acquired by a member of a joint Hindu family by his own exertions, skill, learning or talents, or acquired in any other manner, without material and direct aid from property belonging to the joint family, shall be deemed to be the separate property of such member, notwithstanding that, at any time previous to, or at the time of his acquiring such property, such member may have been maintained or supported, or have received training or education of any kind (general, special, technical, or other), at the expense of the joint family or of any member thereof.

Separate property to pass by succession in case of intestacy.

(2) Such separate property of a person shall, in the event of his dying intestate, pass by succession to his own heirs, male or female.

Separation of interest by expression of intention.

7. (1) Where a member of a joint Hindu family not being a minor has, by conduct or by declaration, expressed clearly and unequivocally, and to the knowledge of the other members, his intention to separate himself from the family, he shall be deemed to have become divided in interest from such other members from the time of such expression of intention.

Separate share or interest to pass by succession in case of intestacy.

(2) The share or interest in joint family property of a member becoming divided in interest under sub-section (1) shall, in the event of his dying intestate, pass by succession to his own heirs, male or female, even though no actual division of property may have been made.

Certain females entitled to shares at partition.

8. (1) (*a*) At a partition of joint family property between a person and his son or sons, his mother, his unmarried daughters and the widows and unmarried daughters of his predeceased undivided sons and brothers who have left no male issue shall be entitled to share with them.

(*b*) At a partition of joint family property among brothers, their mother, their unmarried sisters and the widows and unmarried daughters of their predeceased

undivided brothers who have left no male issue shall be entitled to share with them.

(*c*) Sub-sections (*a*) and (*b*) shall also apply *mutatis mutandis* to a partition among other co-parceners in a joint family.

(*d*) Where joint family property passes to a single co-parcener by survivorship, it shall so pass subject to the rights to shares of the classes of females enumerated in the above sub-sections.

(2) Such share shall be fixed as follows:—

(*a*) in the case of the widow, one-half of what her husband, if he were alive, would receive as his share;

(*b*) in the case of the mother, one-half of the share of a son if she has a son alive, and, in any other case, one-half of what her husband, if he were alive, would receive as his share;

(*c*) in the case of every unmarried daughter or sister, one-fourth of the share of a brother if she has a brother alive, and, in any other case, one-fourth of what her father, if he were alive, would receive as his share: provided that the share to which a daughter or sister is entitled under this section shall be inclusive of, and not in addition to, the legitimate expenses of her marriage including a reasonable dowry or marriage portion.

(3) In this section, the term "widow" includes, where there are more widows than one of the same person all of them jointly, and the term "mother" includes a step-mother and, where there are both a mother and a step-mother, all of them jointly and the term "son" includes a step-son as also a grandson and a great grandson; and the provisions of this section relating to the mother shall be applicable *mutatis mutandis* to the paternal grand-mother and great grand-mother.

(4) Fractional shares of the females as fixed above shall relate to the share of the husband, son, father or brother as the case may be and their value shall be ascertained by treating one share as allotted to the male and assigning therefrom the proper fractional shares to the female relatives.

(5) Each of the female relatives referred to in sub-section (1) shall be entitled to have her share separated off and placed in her possession:

Provided always as follows:— Provisos.

(i) No female relative shall be entitled to a share in property acquired by a person and referred to in section 6, so long as he is alive;

(ii) No female whose husband or father is alive shall be entitled to demand a partition as against such husband or father, as the case may be;

(iii) A female entitled to a share in any property in one capacity of relationship shall not be entitled to claim a further or additional share in the same property in any other capacity.

Illustration.—A and his son B effect a partition of their family property. A has a mother and two unmarried daughters. Their shares will be as follows:—

Father	.. ..	1
Son	.. ..	1
Mother	.. ..	$\frac{1}{2}$
Two daughters	.. ..	$\frac{1}{4}$ each

The property will be divided in the above proportion, the father getting $\frac{1}{3}$, the son $\frac{1}{3}$, the mother $\frac{1}{6}$ and each daughter $\frac{1}{12}$.

9. (1) In the absence of an express prohibition in writing, by the husband, his widow, or, where he has left more widows than one, the seniormost of them shall be presumed to have his authority to make an adoption. Authority to adopt.

(2) No adoption made by a widow shall— Effect of adoption.

(*a*) divest her of her estate in any *stridhana* property, other than such as she may have taken by inheritance from her husband; or

(*b*) affect her right to obtain at any time, at her option, either maintenance charged upon the property inherited from her husband, or a separate share therein equal to one-half of the share of the adopted son; or

(*c*) affect her right to manage such property, as well as to act as the guardian of the person of the adopted son, during his minority.

(3) An arrangement made prior to or at the time of an adoption as aforesaid, whereby the adopted son if he be a major, or his natural father or mother if he be a minor, agrees to his rights in or over the property of the adoptive father being limited, curtailed, or postponed in the interests of the adoptive mother, shall be valid and binding on the adopted son. Validity of pre-adoption arrangements.

PART III.

WOMEN'S FULL ESTATE.

What is "*stridhana.*"

10. (1) "*Stridhana*" means property of every description belonging to a Hindu female, other than property in which she has, by law or under the terms of an instrument, only a limited estate.

(2) *Stridhana* includes:—

(*a*) all ornaments and apparel belonging to a female;

(*b*) all gifts received by a female at any time (whether before, at or after her marriage) and from any person (whether her husband or other relative or a stranger);

(*c*) property acquired by a female by her own exertions, skill, learning or talents;

(*d*) property acquired by a female by purchase, agreement, compromise, finding or adverse possession;

(*e*) the income, and savings from income, of all property whatsoever vested in a female, whether absolutely or otherwise;

(*f*) property obtained by a female as her share at a partition; and

(*g*) property taken by inheritance by a female from another female and property taken by inheritance by a female from her husband or son, or from a male relative connected by blood except when there is a daughter or daughter's son of the propositus alive at the time the property is so inherited.

(3) All gifts and payments other than or in addition to, or in excess of, the customary presents of vessels, apparel and other articles of personal use made to a bride or bridegroom in connection with their marriage or to their parents or guardians or other persons on their behalf, by the bridegroom, bride, or their relatives or friends, shall be the *stridhana* of the bride.

Nature of estate in *stridhana.*

11. (1) A female owning *stridhana* property shall have over it absolute and unrestricted powers both of enjoyment and of disposition *inter vivos* and by will, subject only to the general law relating to guardianship during minority.

(2) Except when acting as the lawful guardian of his wife, a husband shall have no right to or interest in

NOTIFICATION.

Order No. P. 248—Legis. 35-30-4, dated Bangalore, 12—14th July 1933.

Ordered that the accompanying Regulation to amend the Hindu Law as to the Rights of Women which received the assent of His Highness the Maharaja, on the 29th day of June 1933, be published as Regulation No. X of 1933, in the *Mysore Gazette* for general information.

S. N. APPANNA IYENGAR,
Secretary to Government,
General Department.

REGULATION X OF 1933.

RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 29TH DAY OF JUNE 1933.

Regulation to amend the Hindu Law as to the Rights of Women and in certain other respects.

Whereas it is expedient to amend the Hindu Law as to the Rights of Women, and in certain other respects; It is hereby enacted as follows :— Preamble.

PRELIMINARY.

1. (1) This Regulation may be called the Hindu Law Women's Rights Regulation, 1933. Short title.

(2) It extends to the whole of Mysore. Extent.

(3) It shall come into force on the first day of January 1934. Commencement.

2. (1) This Regulation applies to persons who but for the passing of this Regulation, would have been subject to the law of Mitakshara in respect of the provisions herein enacted. Application.

(2) Save as aforesaid, nothing herein contained shall be deemed to affect any rules or incidents of the Hindu Law which are not inconsistent with the provisions of this Regulation.

Interpretation clause.

3. In this Regulation, unless there is anything repugnant in the subject or context—

(*a*) "agnate" means a relative connected by an unbroken line of male descent from a common ancestor, and includes a female related to an agnate by marriage;

(*b*) "ancestor" includes three generations, male or female, in ascent from the same person;

(*c*) "cognate" means a relative connected by a line of descent from a common ancestor broken by one or more female links, and includes a female related to a cognate by marriage;

(*d*) "full estate" means the sum total of the rights exercisable over any property, including the power of unfettered disposal *inter vivos* and by will;

(*e*) "Hindu" means a person governed by the Mitakshara School of Hindu Law;

(*f*) "issue" includes three generations, male or female, in descent from the same person;

(*g*) "last full owner" means the person in whom the full estate in any property was last vested at the time of his or her death;

(*h*) "limited estate" means any estate other than a full estate;

(*i*) "next reversioner" includes, where the next reversioner is a female, also the next male reversioner, and, where there are more reversioners than one, the whole body of reversioners next entitled to the reversion at any given time;

(*j*) "propositus" means the person whose relatives are to be reckoned;

(*k*) "relative" means a person connected either by blood, that is to say, through descent from a common ancestor, or by marriage with a person connected by blood.

PART I.

INHERITANCE.

Order of succession.

4. (1) The succession to a Hindu male dying intestate shall, in the first place, vest in the members of the

family of the propositus mentioned below, and in the following order:—

(i) the male issue to the third generation;
(ii) the widow;
(iii) daughters:
(iv) daughters' sons;
(v) the mother;
(vi) the father;
(vii) widows of predeceased sons;
(viii) sons' daughters;
(ix) daughters' daughters;
(x) brothers of the whole blood;
(xi) brothers of the half blood;
(xii) sons' sons' daughters, sons' daughters' sons, sons' danghters' daughters, daughters' sons' sons, daughters' sons' daughters, daughters' daughters' sons, and daughters' daughters' daughters;
(xiii) widows of predeceased grandsons and great grandsons.

(2) On failure of the family of the propositus, the succession shall pass to the family of the father of the propositus mentioned below, and in the following order:—

(i) brothers' male issue to the second generation;
(ii) sisters;
(iii) half sisters;
(iv) sisters' sons;
(v) half sisters' sons;
(vi) the father's mother;
(vii) the father's father;
(viii) step-mothers;
(ix) brothers' widows;
(x) brothers' daughters;
(xi) sisters' daughters;
(xii) father's brothers of the whole blood;
(xiii) father's brothers of the half blood;
(xiv) brothers' sons' daughters, brothers' daughters' sons, brothers' daughters' daughters, sisters' sons' sons, sisters' sons' daughters, sisters' daughters' sons, and sisters' daughters' daughters;
(xv) widows of brothers' male issue to the second generation.

(3) On failure of the family of the father of the propositus, the succession shall pass to the family of the paternal grandfather, and next thereafter to the family

of the paternal great-grandfather, the members of each family ranking among themselves in the same relative order as the members corresponding to them in the family of the father.

(4) On failure of the families of paternal ancestors to the third degree as above, the succession shall pass to the maternal ancestors to the third degree and their respective families, one after the other, and under the same rules *mutatis mutandis* as to relative order within each such family as are applicable to the families of the paternal ancestors.

(5) The members (where there are more than one) of each of the groups indicated above by Roman numerals and of the groups corresponding to them under sub-sections (3) and (4) shall, among themselves, take simultaneously and in equal shares (*per capita*), provided that the male issue of the propositus shall take according to stock (*per stirpes*).

(6) Every reference to the son of a female relative in this section shall be read as excluding a son adopted after the death of such female relative.

Illustration.—A sister's son does not include a son adopted after the sister's death.

General rules as to order of preference.

5. Except as otherwise specially provided in the preceding section and in section 12, the order of preference among heirs shall be regulated by the following rules:—

Firstly, a nearer line shall exclude one more remote.

Explanation to Rule I.—The descendants of the propositus constitute a nearer line than those of the father, the descendants of the father a nearer line than those of the grandfather, and so on, up to a limit of three degrees from and exclusive of the common ancestor in each case.

Secondly, within each line limited as aforesaid, agnates shall be preferred to cognates irrespective of degree.

Thirdly, among agnates, and likewise among cognates, heirs nearer in degree to the propositus shall exclude those more remote; but where the degrees are equal, a male shall be preferred to a female.

Explanation to Rule III.—Male issue up to three generations shall count as one degree for the purpose of this Rule.

Fourthly, in the absence of any ground of preference as herein provided, heirs of the same degree reckoned from the propositus shall take equally.

PART II.

SEPARATE PROPERTY, PARTITION AND ADOPTION.

Self-acquisitions deemed to be separate property.

6. (1) Property acquired by a member of a joint Hindu family by his own exertions, skill, learning or talents, or acquired in any other manner, without material and direct aid from property belonging to the joint family, shall be deemed to be the separate property of such member, notwithstanding that, at any time previous to, or at the time of his acquiring such property, such member may have been maintained or supported, or have received training or education of any kind (general, special, technical, or other), at the expense of the joint family or of any member thereof.

Separate property to pass by succession in case of intestacy.

(2) Such separate property of a person shall, in the event of his dying intestate, pass by succession to his own heirs, male or female.

Separation of interest by expression of intention.

7. (1) Where a member of a joint Hindu family not being a minor has, by conduct or by declaration, expressed clearly and unequivocally, and to the knowledge of the other members, his intention to separate himself from the family, he shall be deemed to have become divided in interest from such other members from the time of such expression of intention.

Separate share or interest to pass by succession in case of intestacy.

(2) The share or interest in joint family property of a member becoming divided in interest under sub-section (1) shall, in the event of his dying intestate, pass by succession to his own heirs, male or female, even though no actual division of property may have been made.

Certain females entitled to shares at partition.

8. (1) (*a*) At a partition of joint family property between a person and his son or sons, his mother, his unmarried daughters and the widows and unmarried daughters of his predeceased undivided sons and brothers who have left no male issue shall be entitled to share with them.

(*b*) At a partition of joint family property among brothers, their mother, their unmarried sisters and the widows and unmarried daughters of their predeceased

undivided brothers who have left no male issue shall be entitled to share with them.

(*c*) Sub-sections (*a*) and (*b*) shall also apply *mutatis mutandis* to a partition among other co-parceners in a joint family.

(*d*) Where joint family property passes to a single co-parcener by survivorship, it shall so pass subject to the rights to shares of the classes of females enumerated in the above sub-sections.

(2) Such share shall be fixed as follows:—

(*a*) in the case of the widow, one-half of what her husband, if he were alive, would receive as his share;

(*b*) in the case of the mother, one-half of the share of a son if she has a son alive, and, in any other case, one-half of what her husband, if he were alive, would receive as his share;

(*c*) in the case of every unmarried daughter or sister, one-fourth of the share of a brother if she has a brother alive, and, in any other case, one-fourth of what her father, if he were alive, would receive as his share: provided that the share to which a daughter or sister is entitled under this section shall be inclusive of, and not in addition to, the legitimate expenses of her marriage including a reasonable dowry or marriage portion.

(3) In this section, the term "widow" includes, where there are more widows than one of the same person all of them jointly, and the term "mother" includes a step-mother and, where there are both a mother and a step-mother, all of them jointly and the term "son" includes a step-son as also a grandson and a great grandson; and the provisions of this section relating to the mother shall be applicable *mutatis mutandis* to the paternal grand-mother and great grand-mother.

(4) Fractional shares of the females as fixed above shall relate to the share of the husband, son, father or brother as the case may be and their value shall be ascertained by treating one share as allotted to the male and assigning therefrom the proper fractional shares to the female relatives.

(5) Each of the female relatives referred to in sub-section (1) shall be entitled to have her share separated off and placed in her possession:

Provided always as follows :— Provisos.

(i) No female relative shall be entitled to a share in property acquired by a person and referred to in section 6, so long as he is alive;

(ii) No female whose husband or father is alive shall be entitled to demand a partition as against such husband or father, as the case may be;

(iii) A female entitled to a share in any property in one capacity of relationship shall not be entitled to claim a further or additional share in the same property in any other capacity.

Illustration.—A and his son B effect a partition of their family property. A has a mother and two unmarried daughters. Their shares will be as follows :—

Father	.. ..	1
Son	.. ..	1
Mother	.. ..	$\frac{1}{2}$
Two daughters	.. ..	$\frac{1}{4}$ each

The property will be divided in the above proportion, the father getting $\frac{1}{3}$, the son $\frac{1}{3}$, the mother $\frac{1}{6}$ and each daughter $\frac{1}{12}$.

9. (1) In the absence of an express prohibition in writing, by the husband, his widow, or, where he has left more widows than one, the seniormost of them shall be presumed to have his authority to make an adoption. Authority to adopt.

(2) No adoption made by a widow shall— Effect of adoption.

(*a*) divest her of her estate in any *stridhana* property, other than such as she may have taken by inheritance from her husband; or

(*b*) affect her right to obtain at any time, at her option, either maintenance charged upon the property inherited from her husband, or a separate share therein equal to one-half of the share of the adopted son; or

(*c*) affect her right to manage such property, as well as to act as the guardian of the person of the adopted son, during his minority.

(3) An arrangement made prior to or at the time of an adoption as aforesaid, whereby the adopted son if he be a major, or his natural father or mother if he be a minor, agrees to his rights in or over the property of the adoptive father being limited, curtailed, or postponed in the interests of the adoptive mother, shall be valid and binding on the adopted son. Validity of pre-adoption arrangements.

PART III.

WOMEN'S FULL ESTATE.

What is "*stridhana.*"

10. (1) "*Stridhana*" means property of every description belonging to a Hindu female, other than property in which she has, by law or under the terms of an instrument, only a limited estate.

(2) *Stridhana* includes:—

(*a*) all ornaments and apparel belonging to a female;

(*b*) all gifts received by a female at any time (whether before, at or after her marriage) and from any person (whether her husband or other relative or a stranger);

(*c*) property acquired by a female by her own exertions, skill, learning or talents;

(*d*) property acquired by a female by purchase, agreement, compromise, finding or adverse possession;

(*e*) the income, and savings from income, of all property whatsoever vested in a female, whether absolutely or otherwise;

(*f*) property obtained by a female as her share at a partition; and

(*g*) property taken by inheritance by a female from another female and property taken by inheritance by a female from her husband or son, or from a male relative connected by blood except when there is a daughter or daughter's son of the propositus alive at the time the property is so inherited.

(3) All gifts and payments other than or in addition to, or in excess of, the customary presents of vessels, apparel and other articles of personal use made to a bride or bridegroom in connection with their marriage or to their parents or guardians or other persons on their behalf, by the bridegroom, bride, or their relatives or friends, shall be the *stridhana* of the bride.

Nature of estate in *stridhana.*

11. (1) A female owning *stridhana* property shall have over it absolute and unrestricted powers both of enjoyment and of disposition *inter vivos* and by will, subject only to the general law relating to guardianship during minority.

(2) Except when acting as the lawful guardian of his wife, a husband shall have no right to or interest in

any portion of his wife's *stridhana* during her life, nor shall he be entitled to control the exercise of any of her powers in relation thereto.

Succession to *stridhana*.

12. (1) The succession to *stridhana* property belonging to a Hindu female dying intestate shall be as follows :—

I. In the first instance, to her children and grand-children, if any, in the following order :—

(*i*) her children, male and female ;

(*ii*) her grand-children, male and female ;

Provided that in the case of *stridhana* property comprised in clauses (*a*) and (*b*) of sub-section (2) of section 10, the order shall be as follows :—

(*a*) daughters ;

(*b*) daughters of daughters ;

(*c*) sons of daughters ;

(*d*) sons ;

(*e*) sons and daughters of sons.

II. In the absence of children and grand-children, to—

(*iii*) the husband, if any, lawfully married to the said female :

(*iv*) the husband's heirs in order of succession to him.

III. Failing the husband and his heirs, or if the said female was unmarried or not lawfully married, then to her own relatives in the following order :—

(*v*) uterine brothers and sisters ;

(*vi*) mother ;

(*vii*) father ;

(*viii*) father's heirs in order of succession to the father ;

(*ix*) mother's heirs in order of succession to the mother.

Explanation.—"Children" in this sub-section includes illegitimate as well as legitimate children and children born out of wedlock.

(2) The members (where there are more than one) of each group of heirs specified in sub-section (1) shall take simultaneously and in equal shares, provided that the descendants of the deceased female in the second generation shall take *per stripes* and not *per capita*.

Estate of heir to *stridhana* property.

13. Any person, male or female, inheriting *stridhana* property shall take therein a full estate.

Gifts and bequests to have same effect for females as for males.

14. A gift or bequest in favour of a female shall be construed in the same manner, and shall have the same effect in all respects, as a gift or bequest in favour of a male.

Bequests without words of limitation.

15. Where property, immovable or movable, is bequeathed to a female, she shall be entitled to the whole interest of the testator therein, unless it appears from the will that only a restricted interest was intended for her.

PART IV.

WOMEN'S LIMITED ESTATE.

Nature of estate in property inherited from males.

16. In property other than *stridhana* as defined in sections 12 and 13, a female shall take a limited estate.

Proviso.

Provided that it shall be competent to a female having only a limited estate in any property to acquire a full estate therein by obtaining from the next reversioner a release of his entire interest in such property in her favour.

Rights of holder of limited estate.

17. A female having only a limited estate in any property is nevertheless entitled—

(*a*) to the undisturbed possession of such property, and to absolute and unrestricted powers both of enjoyment and disposition *inter vivos* or by will over the income therefrom;

(*b*) to manage the property at her unfettered discretion without being accountable to any one else for her acts done in the course of such management; and

(*c*) to lease, mortgage or otherwise alienate the property for any period not extending beyond the termination of her limited estate;

and shall be competent—

(*d*) fully and completely to represent the property, including reversionary and other interests therein, in suits and proceedings affecting the same.

Restrictions on powers of holder of limited estate.

18. (1) A female having only a limited estate in any property is not entitled—

(*a*) to alienate the property or any portion thereof for any period extending beyond the termination of her

limited estate, except in cases where the alienation is made for a necessary purpose, or is assented to, ratified, or intentionally acquiesced in by the next reversioner; or

(*b*) to waste or expend the *corpus* of the property; except where the property is movable and its consumption is necessitated by the insufficiency of the income available for her maintenance.

"Necessary purpose."

(2) "Necessary purpose" in this section means any purpose which is for the benefit of the property or is proper or incidental to the position in life and society of the female owner concerned.

Illustrations.—(*a*) The reasonable personal requirements of the female owner, and the reasonable requirements of her children in respect of their upbringing, education, marriage and settlement in life, are necessary purposes.

(*b*) The reasonable expenses for the furtherance of the spiritual benefit of herself and her husband, customary gifts on ceremonial occasions, and reasonable acts of charity, are necessary purposes.

Surrender or relinquishment by holder of limited estate.

19. A surrender or relinquishment by a female having a limited estate in any property in favour of the next reversioner is not invalid or ineffective merely because it does not extend to the whole of the property comprised in the limited estate, or because the transaction provides for or contemplates some benefit to such female owner in addition to maintenance, or any other return or consideration:

Provided that no such surrender or relinquishment shall affect any alienation of property made by her prior thereto.

Investments.

20. All unappropriated income of any property in which a female has only a limited estate, and all purchases and investments made by her out of the income of such property, unless clearly intended to be an accretion to such property, shall be deemed to be her *stridhana*.

Succession on termination of limited estate.

21. On the termination of the limited estate of a female owner, the property comprised in such estate shall pass to the person who at the time is the next heir of the last full owner.

PART V.

MAINTENANCE.

Females entitled to maintenance.

22. (1) In addition to any others legally entitled to maintenance, a Hindu male, provided he is possessed of sufficient means, shall be bound to maintain the following female relatives, namely:—

(*a*) his step-mother; and

(*b*) his unmarried full sister until she attains majority.

(2) Every person, male or female, who inherits the property of a Hindu male shall, to the extent of the property inherited, be bound to maintain the female relatives entitled to maintenance from such Hindu.

(3) The manager of a joint Hindu family shall, to the extent of the property of the joint family in his possession or control, be bound to maintain the female relatives of every member thereof entitled to maintenance from such member:

Provisos.

Provided that no female relative who is entitled to a share under section 8 and who has obtained such share shall be entitled to claim maintenance.

Wife when entitled to separate maintenance.

23. A wife is entitled to refuse to live with her husband and to claim separate maintenance, in any of the following cases, namely:—

(*a*) when he is suffering from any venereal or loathsome disease;

(*b*) when he keeps a concubine in his house;

(*c*) when he marries a second wife;

(*d*) when he habitually treats his wife with such cruelty or harshness as to endanger her health or personal safety; or with such gross neglect as to make her life with him miserable;

(*e*) when he renounces the Hindu religion.

Right to maintenance unconditional.

24. The legal right of a widow or other female to maintenance shall not be curtailed by any act to which she is not a free and consenting party, and shall not be affected by non-compliance with conditions or directions, if any, imposed or made by her husband or any other person.

Amount of maintenance.

25. (1) In determining the amount of maintenance to which a female is entitled, regard shall be had:

firstly, to the means of the person, if any, liable to the claim, and, in cases where the claim is limited to the extent of property available, to the value of such property from the point of view of income;

secondly, to the claims of other persons, if any, entitled to maintenance as against the same person or out of the same property;

thirdly, to the position in life of the female, and that of her parents if she be unmarried, or of her husband if she be married or is a widow; and

fourthly, to the reasonable wants of the female.

(2) Regard shall also be had to any independent and assured means of support possessed by the female, provided such means are derived from property of a productive character, or from sources not dependent on the will of a third person.

Illustration.—Jewels, vessels, furniture and apparel, since they are not property of a productive character, are not to be taken into account.

"Reasonable wants."

(3) The expression "reasonable wants" in this section includes, not only the ordinary expenses of living, such as food, raiment and residence, but also provision for such religious and educational requirements as are incidental to the station in life of the female entitled to maintenance.

Variations in amount of maintenance.

(4) The amount of maintenance once fixed shall not be varied to the prejudice of the female concerned, unless such variation is just and necessary owing to a substantial change in any of the circumstances referred to in sub-sections (1) and (2).

Maintenance when a charge.

26. (1) A right to maintenance under section 22 shall from the moment—

(*a*) when such right is decreed by a court of law,

(*b*) when such right is reduced to writing by the parties concerned, such writing being registered under the Mysore Registration Regulation, 1903, and

(*c*) when a claim is definitely made in writing, such writing being registered under the Mysore Registration Regulation, 1903;

be deemed to be a charge upon the whole extent of the property liable to meet the claim under sub-section (2) or sub-section (3) of that section, as the case may be, and shall have priority over all alienations of such property made subsequent thereto other than an alienation made in good faith for legal necessity by the manager of a joint Hindu family.

(2) A wife's right to maintenance under section 25 shall, from the moment when a claim is definitely made in writing, such writing being registered under the Mysore Registration Regulation, 1903, be deemed to be a charge upon all property and interest in property possessed by the husband, and shall have priority over all his personal debts, and over all subsequent alienations of such property or interest, other than an alienation for valuable consideration

made in good faith for a necessary or reasonable purpose and without intent to defeat the right.

(3) Nothing in this section shall—

(*a*) preclude the parties concerned by agreement, or a Court by decree in a suit to which the person entitled to maintenance is a party, from confining the charge in respect of the right to maintenance to a specifice portion of the property liable; or

(*b*) preclude any person who has obtained for consideration, and without notice of an intention to defeat the right to maintenance, any property or interest in property liable to the claim, from requiring that the claim shall, in the first instance, be satisfied out of any portion of the said property or interest in property that may not have been alienated to him, so far as such portion will extend, before proceeding against the portion alienated.

M. N. KRISHNA RAO,
Dewan.

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NOTIFICATION.

Order No. P. 263—Legis. 5-30-10, dated Bangalore, 14th July 1933.

Ordered that the accompanying Regulation to amend the Law relating to the Protection of Copyright in Mysore which received the assent of His Highness the Maharaja, on the third day of July 1933, be published as Regulation No. XI of 1933, in the *Mysore Gazette* for general information.

S. N. APPANNA IYENGAR,
Secretary to Government,
General Department.

REGULATION XI OF 1933.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 3RD DAY OF JULY 1933.)

Regulation to amend the law relating to the Protection of Copyright in Mysore.

Whereas it is expedient to amend the law relating to the protection of copyright in Mysore, it is hereby enacted as follows:—

1. (1) This Regulation may be called the Mysore Copyright Regulation, 1933.

(2) It shall extend to the whole of Mysore.

2. (1) In this Regulation unless the context otherwise requires,— Interpretation.

"Literary work" includes maps, charts, plans, tables and compilations;

"Dramatic work" includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise, and any cinematograph production where the arrangement or acting form or the combination of incidents represented give the work an original character;

"Artistic work" includes works of painting, drawing, sculpture and artistic craftsmanship, and architectural works of art and engravings and photographs;

"Work of sculpture" includes casts and models;

"Architectural work of art" means any building or structure having an artistic character or design, in respect of such character or design, or any model for such building or structure, provided that the protection afforded by this Regulation shall be confined to the artistic character and design, and shall not extend to processes or methods of construction;

"Engravings" include etchings, lithographs, woodcuts, prints and other similar works, not being photographs;

"Photograph" includes photo-lithograph and any work produced by any process analogous to photography;

"Cinematograph" includes any work produced by any process analogous to cinematography;

"Collective work" means.—

(*a*) an encyclopædia, dictionary, year book, or similar work;

(*b*) a newspaper, review, magazine, or similar periodical; and

(*c*) any work written in distinct parts by different authors, or in which works or parts of works of different authors are incorporated;

"Infringing," when applied to a copy of a work in which copyright subsists, means any copy, including any colourable imitation, made or imported in contravention of the provisions of this Regulation;

"Performance" means any acoustic representation of a work and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument;

"Delivery," in relation to a lecture, includes delivery by means of any mechanical instrument;

"Plate" includes any stereotype or other plate, stone, block, mould, matrix, transfer, or negative used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records, perforated rolls or other contrivances for the acoustic representation of the work are or are intended to be made;

"Lecture" includes address, speech and sermon;

(2) For the purposes of this Regulation (other than those relating to infringements of copyright), a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed in public, or delivered in public, without the consent or acquiescence of the author, his executors, administrators or assigns.

(3) For the purposes of this Regulation, a work shall be deemed to be first published within Mysore notwithstanding that it has been published simultaneously in some other place, unless the publication in Mysore is colourable only and is not intended to satisfy the reasonable requirements of the public, and a work shall be deemed to be published simultaneously in two places, if the time between the publication in one such place and the publication in the other place does not exceed fourteen days, or such longer period as may, for the time being, be notified by the Government in the Official Gazette.

(4) Where in the case of an unpublished work, the making of a work has extended over a considerable period, the conditions of this Regulation conferring copyright shall be deemed to have been complied with, if the author was, during any substantial part of that period, a subject of Mysore or a resident within Mysore.

(5) In the application of this Regulation to musical works, the authors whereof were at the time of the making of the works resident in Mysore, or to musical works first published in Mysore, the term "musical work" shall, save as otherwise expressly provided by this Regulation, mean any combination of melody and harmony, or either of them, which has been reduced to writing.

(6) For the purposes of the provisions of this Regulation as to residence, an author of a work shall be deemed to be a resident in Mysore if he is domiciled within Mysore.

CHAPTER I.

Copyright.

General Provisions.

Copyright.

3. (1) Subject to the provisions of this Regulation, copyright shall subsist throughout Mysore for the term hereinafter mentioned in every original literary, dramatic, musical and artistic work, if—

(*a*) in the case of a published work, the work was first published within Mysore and the author thereof was at the date of publication a subject of Mysore or resident within Mysore; and

(*b*) in the case of an unpublished work, the author was at the date of the making of the work a subject of Mysore or resident within Mysore,

but in no other works.

(2) For the purposes of this Regulation, "copyright" means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever, to perform, or in the case of a lecture to deliver, the work or any substantial part thereof in public; if the work is unpublished, to publish the work or any substantial part thereof; and shall include the sole right—

(*a*) to produce, reproduce, perform, or publish any translation of the work;

(*b*) in the case of a dramatic work, to convert it into a novel or other non-dramatic work;

(*c*) in the case of a novel or other non-dramatic work, or of an artistic work, to convert it into a dramatic work, by way of performance in public or otherwise;

(*d*) in the case of a literary, dramatic or musical work, to make any record, perforated roll, cinematograph film, or other contrivance by means of which the work may be mechanically performed or delivered;

and to authorise any such acts as aforesaid.

(3) For the purposes of this Regulation, publication, in relation to any work, means the issue of copies of the work to the public, and does not include the performance in public of a dramatic or musical work, the delivery in public of a lecture, the exhibition in public of an artistic work, or the construction of an architectural work of art, but, for the purposes of this provision, the issue of photographs and engravings of works of sculpture and architectural works of art shall not be deemed to be publication of such works.

Infringement of copyright.

4. (1) Copyright in a work shall be deemed to be infringed by any person who, without the consent of the owner of the copyright, does anything the sole right to do which is by this Regulation conferred on the owner of the copyright: Provided that the following acts shall not constitute an infringement of copyright:—

(i) Any fair dealing with any work for the purposes of private study, research, criticism, review or newspaper summary;

(ii) Where the author of an artistic work is not the owner of the copyright therein, the use by the author of any mould, cast, sketch, plan, model, or study made by him for the purpose of the work, provided that he does not thereby repeat or imitate the main design of that work;

(iii) The making or publishing of paintings, drawings, engravings, or photographs of a work of sculpture or artistic craftsmanship, if permanently situate in a public place or building or the making or publishing of paintings, drawings, engravings or photographs (which are not in the nature of architectural drawings or plans) of any architectural work of art;

(iv) The publication in a collection, mainly composed of non-copyright matter, *bona fide* intended for the use of schools and so described in the title and in any advertisements issued by the publisher, of short passages from published literary works not themselves published for the use of schools in which copyright subsists; provided that not more than two of such passages from works by the same author are published by the same publisher within five years, and that the source from which such passages are taken is acknowledged.

(v) The publication in a newspaper of a report of a lecture delivered in public, unless the report is prohibited

by conspicuous written or printed notice affixed before and maintained during the lecture at or about the main entrance of the building in which the lecture is given, and, except whilst the building is being used for public worship, in a position near the lecturer; but nothing in this paragraph shall affect the provisons in paragraph (i) as to newspaper summaries.

(vi) The reading or recitation in public by one person of any reasonable extract from any published work.

(2) Copyright in a work shall also be deemed to be infringed by any person who—

(*a*) sells or lets for hire, or by way of trade, exposes or offers for sale or hire, or

(*b*) distributes either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright, or

(*c*) by way of trade exhibits in public, or

(*d*) imports for sale or hire into Mysore,

any work which to his knowledge infringes copyright or would infringe copyright if it had been made within Mysore.

(3) Copyright in a work shall also be deemed to be infringed by any person who for his private profit permits a theatre or other place of entertainment to be used for the performance in public of the work without the consent of the owner of the copyright, unless he was not aware, and had no reasonable ground for suspecting, that the performance would be an infringement of copyright.

Term of copyright.

5. The term for which copyright shall subsist shall, except as otherwise expressly provided by this Regulation, be the life of the author and a period of fifty years after his death:

Provided that at any time after the expiration of twenty-five years, or in the case of a work in which copyright subsists at the passing of this Regulation thirty years, from the death of the author of a published work, copyright in the work shall not be deemed to be infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to reproduce the work and that he has paid in the prescribed manner to, or for the benefit of, the owner of the copyright royalties in respect of all copies of the work sold by him calculated

at the rate of ten per cent on the price at which he publishes the work; and for the purposes of this proviso, the Government may make rules prescribing the mode in which notices are to be given, and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, including (if the Government thinks fit) rules requiring payment in advance or otherwise securing the payment of royalties.

Compulsory licenses.

6. If, at any time after the death of the author of a literary, dramatic or musical work which has been published or performed in public, a complaint is made to the High Court that the owner of the copyright in the work has refused to republish or to allow the republication of the work or has refused to allow the performance in public of the work, and that by reason of such refusal the work is withheld from the public, the owner of the copyright may be ordered to grant a license to reproduce the work or perform the work in public, as the case may be, on such terms and subject to such conditions as the High Court may think fit.

Ownership of copyright, etc.

7. (1) Subject to the provisions of this Regulation, the author of a work shall be the first owner of the copyright therein:

Provided that—

(*a*) where, in the case of an engraving, photograph, or portrait, the plate or other original was ordered by some other person and was made for valuable consideration in pursuance of that order, then, in the absence of any agreement to the contrary, the person by whom such plate or other original was ordered shall be the first owner of the copyright;

(*b*) where the author was in the employment of some other person under a contract of service or apprenticeship and the work was made in the course of his employment by that person, the person by whom the author was employed shall, in the absence of any agreement to the contrary, be the first owner of the copyright, but where the work is an article or other contribution to a newspaper, magazine, or similar periodical, there shall, in the absence of any agreement to the contrary, be deemed to be reserved to the author a right to restrain the publication of the work, otherwise than as part of a newspaper, magazine, or similar periodical.

(2) The owner of the copyright in any work may assign the right, either wholly or partially, and either for the whole term of the copyright or for any part thereof, and may grant any interest in the right by license, but no such assignment or grant shall be valid unless it is in writing signed by the owner of the right in respect of which the assignment or grant is made, or by his duly authorised agent:

Provided that, where the author of a work is the first owner of the copyright therein, no assignment of the copyright, and no grant of any interest therein, made by him (otherwise than by will) after the passing of this Regulation shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of twenty-five years from the death of the author, and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal representatives as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest shall be null and void, but nothing in this proviso shall be construed as applying to the assignment of the copyright in a collective work or a license to publish a work or part of a work as part of a collective work.

(3) Where, under any partial assignment of copyright, the assignee becomes entitled to any right comprised in copyright, the assignee, as respects the rights so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Regulation as the owner of the copyright, and the provisions of this Regulation shall have effect accordingly.

Special provisions as to certain works.

Works of joint authors.

8. (1) In the case of a work of joint authorship, copyright shall subsist during the life of the author who first dies and for a term of fifty years after his death, or during the life of the author who dies last, whichever period is the longer, and references in this Regulation to the period after the expiration of any specified number of years from the death of the author shall be construed as references to the period after the expiration of the like number of years from the death of the author who dies first or after the death of the author who dies last;

whichever period may be the shorter, and in the provisions of this Regulation with respect to the grant of compulsory licenses a reference to the date of the death of the author who dies last shall be substituted for the reference to the date of the death of the author.

(2) Where, in the case of a work of joint authorship, some one or more of the joint authors do not satisfy the conditions conferring copyright laid down by this Regulation, the work shall be treated for the purposes of this Regulation as if the other author or authors had been the sole author or authors thereof:

Provided that the term of the copyright shall be the same as it would have been if all the authors had satisfied such conditions as aforesaid.

(3) For the purposes of this Regulation "a work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors.

(4) Where a married woman and her husband are joint authors of a work, the interest of such married woman therein shall be her separate property.

Posthumous works.

9. (1) In the case of a literary, dramatic or musical work, or an engraving, in which copyright subsists at the date of the death of the author or in the case of a work of joint authorship at or immediately before the date of the death of the author who dies last, but which has not been published, nor, in the case of a dramatic or musical work, been performed in public, nor, in the case of a lecture, been delivered in public, before that date, copyright shall subsist till publication, or performance or delivery in public, whichever may first happen, and for a term of fifty years thereafter, and the proviso to section 5 of this Regulation shall, in the case of such a work, apply as if the author had died at the date of such publication or performance or delivery in public as aforesaid.

(2) The ownership of an author's manuscript after his death, where such ownership has been acquired under a testamentary disposition made by the author and the manuscript is of a work which has not been published nor performed in public nor delivered in public, shall be *prima facie* proof of the copyright being with the owner of the manuscript.

Provisions as to Government publications.

10. Where any work has, whether before or after the commencement of this Regulation, been prepared or published by or under the direction or control of the Government of His Highness the Maharaja or any Government department, the copyright in the work shall, subject to any agreement with the author, belong to the Government of His Highness and in such case, shall continue for a period of fifty years from the date of the first publication of the work.

Provisions as to mechanical instruments.

11. (1) Copyright shall subsist in records, perforated rolls, and other contrivances by means of which sounds may be mechanically reproduced, in like manner as if such contrivances were musical works, but the term of copyright shall be fifty years from the making of the original plate from which the contrivance was directly or indirectly derived, and the person who was the owner of such original plate at the time when such plate was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Regulation to reside within Mysore if it has established a place of business in Mysore.

(2) It shall not be deemed to be an infringement of copyright in any musical work for any person to make, within Mysore records, perforated rolls or other contrivances by means of which the work may be mechanically performed, if such person proves—

(*a*) that such contrivances have previously been made by, or with the consent or acquiescence of the owner of the copyright in the work; and

(*b*) that he has given the prescribed notice of his intention to make the contrivances, and has paid in the prescribed manner to, or for the benefit of, the owner of the copyright in the work royalties in respect of all such contrivances sold by him, calculated at the rate hereinafter mentioned:

Provided that—

(i) nothing in this provision shall authorise any alterations in, or omissions from the work reproduced, unless contrivances reproducing the work subject to similar alterations and omissions have been previously made by, or with the consent or acquiescence of, the owner of the copyright, or unless such alterations or omissions are

reasonably necessary for the adaptation of the work to the contrivances in question; and

(ii) for the purposes of this provision, a musical work shall be deemed to include any words so closely associated therewith as to form part of the same work, but shall not be deemed to include a contrivance by means of which, sounds may be mechanically reproduced.

(3) The rate at which such royalties as aforesaid are to be calculated shall—

(*a*) in the case of contrivances sold within two years after the commencement of this Regulation by the person making the same, be two and one half per cent, and

(*b*) in the case of contrivances sold as aforesaid after the expiration of that period, be five per cent,

on the ordinary retail selling price of the contrivance calculated in the prescribed manner, so however that the royalty payable in respect of a contrivance shall, in no case, be less than half-an anna for each separate musical work in which copyright subsists reproduced thereon, and, where the royalty calculated as aforesaid includes a fraction of three pies, such fraction shall be reckoned as three pies:

Provided that, if, at any time after the expiration of seven years from the commencement of this Regulation, it appears to the Government that such rate as aforesaid is no longer equitable, the Government may, after holding an inquiry, make an order either decreasing or increasing that rate to such extent as under the circumstances may seem just; but, where an order revising the rate has been so made no further revision shall be made before the expiration of fourteen years from the date of the last revision.

(4) If any such contrivance is made reproducing two or more different works in which copyright subsists and the owners of the copyright therein are different persons, the sums payable by way of royalties under this section shall be apportioned amongst the several owners of the copyright in such proportions as, failing agreement, may be determined by arbitration.

(5) When any such contrivances by means of which a musical work may be mechanically performed have been made, then, for the purposes of this section, the owner of the copyright in the work shall, in relation to any person who makes the prescribed inquiries, be deemed

to have given his consent to the making of such contrivances if he fails to reply to such inquiries within the prescribed time.

(6) For the purposes of this section, the Government may make rules prescribing anything which under this section is to be prescribed, and prescribing the mode in which notices are to be given and the particulars to be given in such notices, and the mode, time and frequency of the payment of royalties, and any such rules may, if the Government thinks fit, include rules requiring the payment in advance or otherwise securing the payment of royalties.

(7) In the case of musical works published before the commencement of this Regulation, the foregoing provisions shall have effect, subject to the following modifications and additions :—

(*a*) The conditions as to the previous making by, or with the consent or acquiescence of, the owner of the copyright in the work, and the restrictions as to alterations in or omissions from the work shall not apply ;

(*b*) The rate of two and one-half per cent shall be substituted for the rate of five per cent as the rate at which royalties are to be calculated ;

(*c*) Notwithstanding any assignment made before the passing of this Regulation of the copyright in a musical work, any rights conferred by this Regulation in respect of the making, or authorising the making of contrivances by means of which the work may be mechanically performed shall belong to the author or his legal representatives and not to the assignees, and the royalties aforesaid shall be payable to, and for the benefit of, the author of the work or his legal representatives ;

(*d*) The saving contained in this Regulation of the rights and interests arising from, or in connection with, action taken before the commencement of this Regulation, shall not be construed as authorising any person who has made contrivances by means of which the work may be mechanically performed to sell any such contrivances, whether made before or after the passing of this Regulation except on the terms and subject to the conditions laid down in this section ;

(*e*) Where the work is a work on which copyright is conferred by a notification relating to a foreign country, the copyright so conferred shall not, except to such extent

as may be provided by the notification, include any rights with respect to the making of records, perforated rolls or other contrivances by means of which the work may be mechanically performed.

(8) Notwithstanding anything in this Regulation where a record, perforated roll, or other contrivance by means of which sounds may be mechanically reproduced has been made before the commencement of this Regulation, copyright shall, as from the commencement of this Regulation, subsist therein in like manner and for the like term as if this Regulation had been in force at the date of the making of the original plate from which the contrivance was directly or indirectly derived:

Provided that—

(i) the person who, at the commencement of this Regulation, is the owner of such original plate shall be the first owner of such copyright; and

(ii) nothing in this provision shall be construed as conferring copyright in any such contrivance if the making thereof would have infringed copyright in some other such contrivance, if this provision had been in force at the time of the making of the first-mentioned contrivance.

Provision as to political speeches.

12. Notwithstanding anything in this Regulation, it shall not be an infringement of copyright in an address of a political nature delivered at a public meeting to publish a report thereof in a newspaper.

Modification of copyright as regards translation of works first published in Mysore.

13. (1) In the case of works first published in Mysore copyright shall be subject to this limitation that the sole right to produce, reproduce, perform or publish a translation of the work shall subsist only for a period of ten years from the date of the first publication of the work:

Provided that if within the said period the author, or any person to whom he has granted permission so to do, publishes a translation of any such work in any language, copyright in such work as regards the sole right to produce, reproduce, perform or publish a translation in that language shall not be subject to the limitation prescribed in this sub-section.

(2) For the purposes of sub-section (1), the expression "author" includes the legal representative of a deceased author.

Provision as to photographs.

14. The term for which copyright shall subsist in photographs shall be fifty years from the making of the

original negative from which the photograph was directly or indirectly derived and the person who was owner of such negative at the time when such negative was made shall be deemed to be the author of the work, and where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Regulation to reside within Mysore if it has established a place of business in Mysore.

Provisions as to designs registrable under Patents and Designs Regulation, 1925.

15. (1) This Regulation shall not apply to designs capable of being registered under the Patents and Designs Regulation, 1925, except designs which, though capable of being so registered, are not used or intended to be used as models or patterns to be multiplied by any industrial process.

(2) General rules under section 73 of the Patents and Designs Regulation, 1925, may be made for determining the conditions under which a design shall be deemed to be used for such purposes as aforesaid.

Existing works.

16. (1) Where any person is immediately before the commencement of this Regulation entitled to copyright in any work or to any interest in such a right, he shall, as from that date, be entitled to copyright as defined by this Regulation or to the same interest in such right under this Regulation and such substituted right shall subsist for the term for which it would have subsisted if this Regulation had been in force at the date when the work was made and the work had been one entitled to copyright thereunder.

Provided that—

(*a*) if the author of any work in which any such right as aforesaid subsists at the commencement of this Regulation has, before that date, assigned the right or granted any interest therein for the whole term of the right, then at the date when, but for the passing of this Regulation the right would have expired, the substituted right conferred by this section shall, in the absence of express agreement, pass to the author of the work, and any interest therein created before the commencement of this Regulation and then subsisting shall determine; but the person who immediately before the date at which the right would so have expired was the owner of the right or interest shall be entitled at his option either—

(i) on giving such notice as hereinafter mentioned, to an assignment of the right or the grant of a similar

interest therein for the remainder of the term of the right for such consideration as, failing agreement, may be determined by arbitration, or

(ii) without any such assignment or grant to continue to reproduce or perform the work in like manner as theretofore subject to the payment, if demanded by the author within three years after the date at which the right would have so expired, of such royalties to the author as, failing agreement, may be determined by arbitration, or where the work is incorporated in a collective work and the owner of the right or interest is the proprietor of that collective work, without any such payment.

The notice above referred to must be given not more than one year nor less than six months before the date at which the right would have so expired, and must be sent by registered post to the author, or, if he cannot with reasonable diligence be found, advertised in the Official Gazette and in two newspapers published in Mysore.

(*b*) where any person has, before the date of the passing of this Regulation taken any action whereby he has incurred any expenditure or liability in connection with the reproduction or performance of any work in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the passing of this Regulation, have been lawful, nothing in this section shall diminish or prejudice any rights or interest arising from or in connection with such action which are subsisting and valuable at the said date, unless the person who by virtue of this section becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.

(2) For the purposes of this section, the expression "author" includes the legal representatives of a deceased author.

CHAPTER II.

Civil Remedies.

Civil remedies for infringement of copyright.

17. (1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Regulation, be entitled to all

such remedies by way of injunction, damages, accounts, and otherwise, as are or may be conferred by law for the infringement of a right.

(2) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the absolute discretion of the Court.

(3) In any action for infringement of copyright in any work, the work shall be presumed to be a work in which copyright subsists and the plaintiff shall be presumed to be the owner of the copyright, unless the defendant puts in issue the existence of the copyright, or, as the case may be, the title of the plaintiff, and where any such question is in issue, then—

(*a*) if a name purporting to be that of the author of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the author of the work;

(*b*) if no name is so printed or indicated, or if the name so printed or indicated, is not the author's true name or the name by which he is commonly known, and a name purporting to be that of the publisher or proprietor of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the owner of the copyright in the work for the purposes of proceedings in respect of the infringement of copyright therein.

Rights of owner against persons possessing or dealing with infringing copies, etc.

18. All infringing copies of any work in which copyright subsists, or of any substantial part thereof, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of the possession thereof or in respect of the conversion thereof.

Exemption of innocent infringer from liability to pay damages, etc.

19. Where proceedings are taken in respect of the infringement of the copyright in any work and the defendant in his defence alleges that he was not aware of the existence of the copyright in the work, the plaintiff shall not be entitled to any remedy other than an injunction in respect of the infringement if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for suspecting, that copyright subsisted in the work.

20. (1) Where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction to restrain the construction of such building or structure or to order its demolition. Restriction on remedies in the case of architecture.

(2) Such of the other provisions of this Regulation as provide that an infringing copy of a work shall be deemed to be the property of the owner of the copyright, or as impose penalties, shall not apply in any case to which this section applies.

21. An action in respect of infringement of copyright shall not be commenced after the expiration of three years next after the infringement. Limitation of actions.

22. Every suit or other civil proceeding regarding infringement of copyright shall be instituted and tried in the Court of the District Judge. Courts having civil jurisdiction regarding infringement of copyright.

23. No suit or other civil proceeding instituted after the passing of this Regulation regarding infringement of copyright in any book the author whereof was at the time of making the book resident in Mysore or of any book first published in Mysore, shall be dismissed by reason only that the registration of such book had not been effected in accordance with the provisions of the Indian Copyright Act, 1847, as then in force in Mysore. Effect of non-registration under Act XX of 1847.

CHAPTER III.

Penalties.

24. If any person knowingly :— Offences in respect of infringing copies.

(*a*) makes for sale or hire any infringing copy of a work in which copyright subsists ; or

(*b*) sells or lets for hire, or by way of trade exposes or offers for sale or hire, any infringing copy of any such work ; or

(*c*) distributes infringing copies of any such work, either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright ; or

(*d*) by way of trade exhibits in public any infringing copy of any such work; or

(*e*) imports for sale or hire into Mysore any infringing copy of any such work; he shall be punishable with fine which may extend to twenty rupees for every copy dealt with in contravention of this section, but not exceeding five hundred rupees in respect of the same transaction.

Possession of plates for purpose of making infringing copies.

25. If any person knowingly makes, or has in his possession, any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, he shall be punishable with fine which may extend to five hundred rupees.

Punishment on second conviction.

26. If any person, after having been previously convicted of an offence punishable under section 24 or section 25 is subsequently convicted of an offence punishable under either of these sections, he shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Power of Court to dispose of infringing copies or plates for purpose of making infringing copies.

27. (1) The Court before which any offence under this Chapter is tried may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies, or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright, or otherwise dealt with as the Court may think fit.

(2) Any person affected by an order under subsection (1) may, within thirty days of the date of such order, appeal to the Court to which appeals from the Court making the order ordinarily lie; and such appellate Court may direct that execution of the order be stayed pending consideration of the appeal.

Cognizance of offences.

28. No Court inferior to that of a Magistrate of the first class shall try any offence against this Regulation.

Saving in case of infringement by construction of building.

29. The provisions of this Chapter shall not apply to any case to which section 20 applies.

CHAPTER IV.

Supplemental Provisions.

Provisions as to notifications by Government.

30. The Government may, by notification in the Official Gazette, alter, revoke, or vary any notification issued under this Regulation, or under any enactments repealed by this Regulation, but any notification issued under this section shall not affect prejudicially any rights or interests acquired or accrued at the date when the notification comes into operation, and shall provide for the protection of such rights and interests.

Repeal.

31. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

SCHEDULE.

REPEAL OF ENACTMENTS.

(*See Section 31.*)

Year	No.	Title	Extent of Repeal
1847	XX	The Indian Copyright Act, 1847 as applied to Mysore by the Notification of the Government of India, Foreign Department No. 176, Judicial, dated the 12th September 1867.	So much as has not already been repealed.

Year	No.	Title	Extent of Repeal
1867	XXV.	The Press and Registration of Books Act, 1867, as applied to Mysore by the Notification of the Government of India, Foreign Department, No. 176, Judicial, dated the 12th September 1867.	In Section 18 the following words, namely:— "Every registration under this Section shall, upon payment of the sum of two rupees to the officer keeping the said Catalogue be deemed to be an entry in the Book of Registry kept under Act No. XX of 1847 (for the encouragement of learning in the territories subject to the Government of the East India Company by defining and providing for the enforcement of the right called copyright therein); and the provisions contained in that Act as to the said Book of Registry shall apply *mutatis mutandis* to the said Catalogue."

M. N. KRISHNA RAO,
Dewan.

Regd. No. M.—1175.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. L. 1412—Ml. 92-33-1, dated 23rd August 1933.

The following draft of the rules regulating the election of members to municipal councils in City Municipalities which the Government propose to make in supersession of the existing rules on the subject and in exercise of the powers vested under sections 10, 11, 228 (2) (b) of the Mysore City Municipalities Regulation, 1933, and all other powers in this behalf are published, under sub-section (4) of section 228 of the Regulation, for the information of persons likely to be affected thereby, and notice is hereby given that the draft rules will be taken into consideration on or after the 4th September 1933. Any objection or suggestion which may be received from any person with respect to the proposed rules before the aforesaid date will be taken into consideration.

City Municipal Election Rules.

Definitions.

In these rules,

(1) "The Regulation" means the Mysore City Municipalities Regulation, 1933,

(2) "Returning Officer," means the Municipal Commissioner if there be one for the municipality, or the President of the municipal council concerned in other cases.

Divisions and elective councillors.

2. (1) The municipal council may, with the previous approval of Government, divide the municipality for electoral purposes into as many divisions or mohallas as may be necessary, the boundaries of which shall be clearly defined, and when such a division has been made, shall apportion the number of elected councillors over the said divisions in the proportion, as nearly as may be, of the population thereof.

(2) The Mysore Chamber of Commerce, Bangalore, and such other associations or public bodies as may be recognised by the Government for the purpose shall also be entitled to elect a member to the municipal council concerned in accordance with rules or bye-laws made in this behalf by such associations or public bodies.

(3) The municipal council may, with the previous approval of Government, alter from time to time the number of the divisions or mohallas in the municipality.

Preparation and publication of list of voters.

3. A list of voters showing the persons entitled to vote in each division shall be prepared by the Returning Officer not less than three months prior to the date on which the term of office of the municipal councillors will expire.

4. (1) A copy of the list so prepared shall be published by affixing a copy thereof—

(*a*) in Kannada, and

(*b*) if the Returning Officer so directs, in English also, at the municipal office, and in such other conspicuous places in the municipality as the said officer may consider suitable.

(2) When the list has been so published, the Returning Officer shall, by beat of *tom tom* and printed handbills, give public notice thereof, and of the places where the list or a copy thereof may be inspected as also of the fact that any person entitled under rule 8 (1) to prefer an objection or claim may apply in writing to the Returning Officer for the amendment of the list.

(3) A copy of the handbill shall also be published both in Kannada and English in the *Mysore Gazette* and copies thereof shall be affixed in the municipal office.

Qualifications of voters.

5. The following persons who have completed 21 years of age shall be qualified to have their names entered in the list of voters or in the election roll, *viz.*—

(A) Every person who, for the preceding year, was assessed to taxes other than octroi or toll, imposed in the municipality for a sum not exceeding Rs. 5 a year.

(B) Every person who, for a period of not less than six months next preceding the date on which by these rules a list of voters is required to be prepared or revised, has been resident of the Municipality, and

(*a*) who was assessed in the previous year to income-tax, or

(*b*) who is a registered holder of lands assessed (or in the case of alienated lands, would be assessed if not alienated) to land revenue at an amount not less than Rs. 5 in the municipality, or

(*c*) who on the first day of July next preceding the date of publication of the election roll, occupied for the purpose of dwelling or for purposes of any trade, business or profession,

(i) a house or building,

(ii) part of a house or building which is separately assessed to a tax of Rs. 5 a year, or

(*d*) who is in receipt of a pension of not less than Rs. 15 per mensem from Government or from any public body or corporation or company registered, or

(*e*) who is a graduate of any University, or

(*f*) who is an advocate of the High Court of Mysore, or

(*g*) who is a pleader holding a sannad from the High Court of Mysore, or

(*h*) who is a person upon whom titles have been conferred by the Government of India or by His Highness the Maharaja of Mysore, or

(*i*) who is a servant of the Government or of any public body or of any corporation or company registered under the Mysore Companies Regulation whose salary is not less than Rs. 50 per mensem.

Manner of voting in particular cases.

6. (1) When any qualification prescribed by clause (A) of rule 5 is possessed by an undivided family or a

company or firm or any other association or body of individuals or trustees, being two or more in number of any building or land, then the manager or the senior member of such family, or any one individual person, duly authorised in this behalf by the members of such family, or company or firm or association or body of individuals or trustees, upon an application in writing which he shall give, within a fortnight from the date of the publication of the list of voters, to the Returning Officer shall be qualified to have his name entered in the list of voters on behalf of such family or company or firm or association or body of individuals or trustees.

(2) If no individual person applies in accordance with sub-rule (1) to have his name entered in the list as the representative of such undivided family or any company or firm or association or body of individuals or trustees, the municipal council may determine which individual person shall be entitled to represent such family or company or firm or association or body of individuals or trustees and shall enter his name in the list as the person qualified to vote on behalf thereof.

(3) If any person is entitled to vote not only in his individual capacity, but also as a representative of such family or company or firm or association or body of individuals or trustees, his name shall be entered in the said list as if he were entitled to vote separately in each of such capacities.

(4) Except in the case mentioned in sub-rule (3), no person shall be entitled to more than one vote by reason of being qualified under two or more of the tests of qualifications prescribed by rule 5.

Division in which vote may be given.

7. Each voter shall be entitled to vote in the division in which he resides, or, in the case of a qualification arising from being assessed to municipal taxes, in the division in which he is assessed.

Provided that—

(*a*) no person shall be entitled to vote in more than one division ;

(*b*) any person possessing the qualifications of a voter in connection with more than one division shall be at liberty to choose for which of such divisions he shall be entitled to vote and,

failing his doing so within a week after public notice has been given calling upon all such persons to make their choice, shall be entitled to vote in such division as the municipal council shall determine;

(*c*) a person shall be entitled to vote only in a division for which his name is entered in the election roll.

Revision of list and appeals.

8. (1) Any person whose name is not entered in the list of voters published as aforesaid and who deems that he is entitled to have his name entered therein, and any person whose name is entered in the said list who thinks that his own name or that of some other person has been wrongly entered therein, may apply in writing within a fortnight from the date of publication of the list to the Returning Officer for the amendment thereof.

(2) The Returning Officer shall forthwith forward every such application, with his report thereon, for the decision of the municipal council.

(3) The said officer may also bring to the notice of the municipal council within a fortnight from the date of the publication of the list, any additions to, or omissions from, or corrections in the list, which he shall discover to be necessary otherwise than on the application of any person interested therein.

(4) Notice of every application under sub-rule (1) and of every reference under sub-rule (3) shall be given by the municipal council receiving the same to any person affected thereby, and the municipal council at its next meeting shall consider and pass orders on such application or reference. A copy of every order so passed upon an application shall, without delay, be communicated to the person by whom the application was made and a copy of every order, whether upon an application or reference, shall, without delay, be communicated to any person whose name is thereby ordered to be removed from the list of voters.

(5) An appeal shall lie to the Government from the decision of a municipal council, but the Government may decline to entertain any appeal which is not presented within ten days from the date when the decision of the municipal council is communicated to the appellant.

Every order passed by the Government under this rule shall be final.

Publication and custody of election roll.

9. (1) The list of voters shall be amended in accordance with the decision of the municipal council or the Government, as the case may be, and a copy thereof signed by the Returning Officer shall be the municipal election roll.

(2) The municipal election roll shall be published in the manner prescribed in rule 4 within a month and a half from the date of publication of the list of voters.

(3) Every such election roll shall be entered in a book each page of which shall be signed by the officer aforesaid and sealed with the common seal of the municipal council. The said book shall be kept in the municipal chest or safe under lock and key, and the officer whose duty it is to keep the key of the said chest or safe shall be responsible for the safe custody of the said book.

Amendment of election roll.

10. The municipal council shall be "the prescribed authority" for exercising the powers under clauses (*b*) and (*c*) of section 11 of the Regulation.

Qualifications of candidates.

11. Subject to the provisions of section 11 and to the disqualifications mentioned in section 12 and subsections (3) and (6) of section 20 of the Regulation, every person who is qualified to be a voter under rule 5 shall be qualified to be a candidate.

(2) Any person who is qualified to be a candidate may stand for election either in the division for which his name is entered in the election roll or in any other division.

Time and place for elections.

12. All municipal elections—whether general or casual—shall be held on such dates between such hours and at such place or places as may be fixed by the Returning Officer. Written notice of such elections shall be given and published both in Kannada and English not less than one month before the date fixed for election. Copies of the notice shall be affixed at the municipal office and at

such other conspicuous place or places within the municipality as the municipal council appoints for this purpose.

Applications from candidates.

13. Every person who wishes to stand for election in any division shall, before fifteen days fixed for the date of election, signify his intention by applying in writing to the Returning Officer in the Form A hereto appended.

Deposit by candidates.

14. (1) Every candidate shall deposit or cause to be deposited in a Government Treasury a sum of one hundred rupees in cash and forward the treasury receipt along with his application for candidature, and no application shall be valid unless accompanied by such receipt.

Savings Bank deposits or State Loan bonds of equal value at the market rate of the day, shall, if tendered, be accepted from candidates standing for election in lieu of cash deposit. Provided that Form No. 1 of Annexure E of the Savings Bank Rules (printed as Appendix C) is signed by them authorising the Returning Officer to treat the same as deposit in the former case, and the bonds are endorsed in favour of the Comptroller in the case of the latter.

(2) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer before the poll has commenced. A candidate who has withdrawn his candidature shall not be allowed to cancel such withdrawal.

(3) If a candidate by whom or on whose behalf the deposit referred to under sub-rule (1) has been made, withdraws his candidature in the manner specified under sub-rule (2) *and before 3 p.m. of the next working day after the latest date on which applications for candidature have to be presented*, or if his name is rejected by the Returning Officer, the deposit shall be returned to the person by whom it was made, and, if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made or to the legal representative of such person.

(4) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made, is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled *or if a candidate withdraws his candidature after the time specified in sub-rule 3*, the deposit shall be forfeited and credited to the municipal fund.

Explanation.—For the purpose of this sub-rule, the total number of votes polled shall be deemed to be the total number of voting papers, other than spoilt voting papers collected.

(5) The deposit made in respect of a candidate who is not elected, if it is not forfeited under sub-rule (4), and the deposit made in respect of a candidate who is elected, shall be returned to the candidate or to the person who has made the deposit on his behalf or to his legal representative, as the case may be, as soon as may be after the publication of the result of the election in the *Mysore Gazette*, provided that if a candidate has stood for election in more than two divisions not more than two of the deposits made by him or on his behalf shall be returned in any case and the remainder shall be forfeited to the municipal fund.

Preparation and publication of list of eligible candidates, etc.

15. (1) The Returning Officer shall, at 5 P.M. on the last day fixed for receiving applications for candidature, read out the names of all the candidates whose applications have been received and a list of such candidates shall forthwith be posted up under his signature in the Municipal office with a notice that objections, if any, to the candidature of the person specified in the list will be heard and disposed of by him at 3 P.M. on the third working day after the date of the publication of the aforesaid notice. He shall hear objections, if any, and after such summary enquiry as he may deem necessary regarding such objections, he shall prepare a list of such persons as are considered by him to be eligible under the foregoing rules to stand for election and announce their names. If any name is rejected, the reason for such rejection shall be recorded. A list of such candidates shall be posted up with the symbols, if any, assigned under sub-rule (2) under his signature in the municipal office.

(2) When the number of eligible candidates is more than the number of members to be elected, the Returning Officer may assign to each candidate a symbol out of those approved from time to time by the Government in this behalf.

(3) A list of eligible candidates with the symbols, if any, assigned under sub-rule (2) shall be published with the least practicable delay under the signature of the Returning Officer in the municipal office.

(4) On the day of election, the list of candidates and the symbols assigned for them shall be displayed prominently at the polling stations for the information of the voters.

Conduct of elections.

16. When the number of candidates does not exceed the number of vacancies, the candidate or candidates may be declared elected by the Returning Officer without any votes being recorded. For purposes of rule 31 of these rules, such candidates shall be considered to have got the highest number of votes.

17. If there are more candidates than there are vacancies, votes shall be taken in accordance with the procedure prescribed in the following rules.

18. The Returning Officer shall fix a polling station for each division and at each polling booth, a separate ballot box properly screened off from others shall be kept so that purdah women may vote separately.

19. The Returning Officer shall appoint one or more polling officers to preside at each polling station with as many assistants as he thinks necessary. The said officer shall also appoint one or more identifying officers at each polling station to assist the polling officer in identifying the voters.

20. (1) On the morning of the election day, the polling officer shall be supplied with a sealed box provided with an aperture for receipt of voting papers, an election roll and a bound book or books of voting papers serially numbered in foil and counterfoil, one voting paper for each voter in the election roll.

(2) The Returning Officer may give such special directions as may be necessary for the provision of ballot boxes, cubicles or screens, and other matters of detail.

21. (1) The voting paper shall be printed in Form B, hereto appended and shall contain the names of all the candidates.

(2) Specimen voting papers shall be posted outside the polling booth for the guidance of voters at least 48 hours before the election commences.

22. If before the poll has commenced, a person whose candidature has been published under sub-rule (4) of rule 15 withdraws his candidature or dies, or if the Returning Officer is satisfied, after affording an opportunity to hear the candidate, that he is disqualified to be a candidate or that the declaration made in his application is not true, the Returning Officer or the Polling Officer under the Returning Officer's orders may remove the name of such candidate from the voting paper.

23. (1) On the day of the election, the polling officer shall admit to the ante-room of the polling booth the candidates whose names are displayed under rule 15 (4).

(2) Besides candidates, only voters, and such persons (if any) as may be admissible under special directions given by the Returning Officer in this behalf, shall be admitted to the polling booth.

24. The candidates shall not speak to or address any intending voter in the ante-room, but may only address to the polling officer objections to a voter on the following three grounds :—

First.—That his name is not on the list of voters of the division in respect of which the election is being held.

Second.—That his claim to be a particular voter shown on the list of voters is false.

Third.—That he has already voted.

Any person breaking this rule may be expelled from the ante-room by the polling officer and shall not be re-admitted during the election.

25. The procedure for recording each voter's vote shall be as follows :—

(*i*) The vote shall be given by ballot.

(*ii*) There shall be no voting by proxy.

(*iii*) As each intending voter enters the ante-room, his name and his number in the election roll shall be announced so that all present can hear them.

(*iv*) The polling officer shall dispose of any objections raised by candidates and, when satisfied that the intending voter is entitled to vote and has not yet voted, shall initial the foil of a voting paper and, after taking the voter's signature or mark on the counterfoil, and endorsing the paper across the junction of the foil and counterfoil with a seal, give the foil to the voter and admit him to the polling room.

(*v*) The voter, after making a cross in column 4 of the voting paper against the names of any candidates for whom he wishes to vote, and after folding and closing the voting paper, put it into the ballot box.

(*vi*) On the request of a voter who through blindness or illiteracy or any other cause is incapable of recording his vote for himself, the polling officer shall assist him, if so desired, in marking the vote on the voting paper and putting the voting paper into the ballot box and a record of the same shall be made on the voting paper and attested by the polling officer.

26. It shall be the duty of the polling officers and their assistants to see that votes are recorded with absolute secrecy, that only such persons as may be admitted to the polling booth under these rules are admitted thereto, and that persons who have recorded their votes or against whom objections have been heard and disposed of, leave immediately. It shall also be their duty to see that these rules and any special directions given by the Returning Officer thereunder are strictly observed in all respects.

27. On the conclusion of the poll, the polling officer shall seal up the aperture of the sealed box and forthwith deliver the box for safe custody to the Returning Officer or some one appointed by the said officer to take charge of it till the votes are counted. The polling officer shall seal up the book of counterfoils and unused foils and keep it sealed in his own custody till it is destroyed under rule 34.

Determination of results of elections.

28. The ballot box shall be opened and the votes counted at a special general meeting of the municipal

council by three scrutineers appointed for this purpose at the meeting.

29. Any ballot paper on which votes are given to more candidates than there are councillors to be elected shall be invalid.

30. If there is an equal number of valid votes in favour of each of two or more candidates for one vacancy, the selection of one such candidate shall be made by lot by the chairman of the aforesaid meeting, in such manner as the municipal council at such meeting shall determine.

31. Whenever one and the same person gets the highest number of votes in more than one division he will be at liberty to determine for which division he should be returned and in default of his doing so within 48 hours after the declaration of the results of elections, the Government shall declare him to have been elected for one such division. In such cases, the candidates who have got the next highest number of votes in the several remaining divisions will be taken to have been elected for those divisions. In the event of there being no such candidate in any such division, a fresh election shall be held for the same.

32. The results of the elections shall be declared by the chairman of the meeting and shall be recorded in the minutes of the proceedings of the meeting.

Custody and destruction of voting papers.

33. When the voting papers have been scrutinised, they shall forthwith be replaced in the ballot boxes from which they were taken and these boxes after being locked and sealed with the municipal seal, shall be kept by the municipal council in safe custody.

34. On the expiry of fifteen days from the date of the declaration of the results of the elections, or if any application regarding the elections is made to the District Judge under section 20 of the Regulation and such application is not finally disposed of before the expiry of the said fifteen days, then whenever such application has been finally disposed of, the voting papers including both those in the ballot box and those in the sealed book in the polling officer's custody shall be destroyed in the presence of such councillor or officer as the municipal council appoints for this purpose.

Report of results of elections.

35. The names of persons declared to have been elected under rules 16 and 32 shall be communicated with the least practicable delay to the Government for being notified in the *Mysore Gazette.*

R. RANGA RAO,
Chief Secretary to Government.

FORM A.

(REFERRED TO IN RULE 13.)

Form of application for candidature.

Name of division for which the candidate intends to stand for election.	
Name of candidate	
Father's name	
Age	
Address	
Number of the candidate in the election roll.	

Date..... Signature of candidate.

Declaration by the candidate.

I hereby declare that the information furnished above is true and that I possess all the qualifications necessary for election to the municipal council and that I am not subject to any of the disqualifications specified in the Mysore City Municipalities Regulation, 1933, or the rules framed thereunder to be a candidate.

Date..... Signature of candidate.

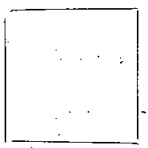
FORM B.

(REFERRED TO IN RULE 21.)

Counterfoil.

Voting Paper No.

Voter's number on Election Roll



Voter's signature or thumb impression.

Foil.

Voting Paper No.

Serial No.	Candidate's name	Candidate's symbol	Voter's mark
1			
2			
3			
4			
5			
6			
7			
8			

(1) The number of members to be elected is.....

(2) Place a cross mark thus × against the candidate / each of the candidates for whom you wish to vote.

(3) The mark should be placed against not more than.....name. / names.

450

ANNEXURE C.

(REFERRED TO IN RULE 14.)

No. *Dated..... 193 ..*

To

The Officer in charge of the Treasury

at.....

SIR,

I have the honour to apprise you that I have authorised the Returning Officer of ..... municipality to treat the sum of one hundred rupees deposited by me in the Savings Bank at your treasury as security to the municipality, on behalf of myself / A. B. I agree that the same will not be payable to me until I shall produce to you the express written sanction of the Returning Officer of..... municipality for payment of the same. I have also agreed not to object to the payment by you of the whole or part of this deposit to the Returning Officer of..... municipality, upon his claiming it, and not to make any claim for interest from the date on which interest has ceased to accrue owing to the payment of the principal to the Returning Officer of..... municipality or from the date on which the Returning Officer of..... municipality, shall have revoked the authority to your treasury to pay me / A. B. the interest.

I have the honour to be,
Sir,
Your most obedient servant,

Place..... (Signature of Depositor).....

Date..... (Designation of Depositor).....

No. L. 1399--Ml. 91-33-1, dated 22nd August 1933.

In supersession of the rules in force on the subject and in exercise of the powers vested under sections 6 (3) (a) and 106 (2) (b) of the Mysore Minor Municipalities Regulation, 1933, and all other powers in this behalf, the following rules for regulating the election of members to the municipal councils in minor municipalities are made by the Government :—

Minor Municipal Election Rules.

Definitions.

1. In these rules,

(1) "The Deputy Commissioner" means the Deputy Commissioner of the district in which the municipality in question is situated and includes an Assistant Commissioner to whom the Deputy Commissioner may delegate, as he is hereby empowered to delegate, any of his powers or duties under these rules ;

(2) "The Regulation" means the Mysore Minor Municipalities Regulation, 1933 ;

(3) "Returning Officer" means, in respect of the municipality or municipalities entered in the first column of the table given below, the person mentioned in the second column of the said table.

TABLE.

Municipality.	*Returning Officer.*
Minor municipalities having official presidents.	The President of the municipal council concerned.
Every other minor municipality.	A person appointed by the Deputy Commissioner of the district.

Divisions and elective councillors.

2. (1) The Deputy Commissioner may, in accordance with such instructions, if any, as may be issued from time to time by the Government in this behalf, divide the municipality for electoral purposes into as many divisions as may be necessary, the boundaries of which shall be clearly defined and when such a division has been made, he shall fix the number of councillors to be elected in each division so that every division shall be adequately represented by election.

(2) The divisions into which the minor municipalities are at present divided for electoral purposes and the number of elective councillors at present apportioned to the several divisions therein, shall be deemed to have been fixed and apportioned under sub-rule (1).

(3) The Deputy Commissioner may, subject to the orders, if any, issued by the Government from time to time, alter the number and boundaries of the divisions and vary the number of councillors to be elected by each division.

List of Voters.

3. (1) The Returning Officer shall, not less than one month prior to the date on which an election is to be held, prepare a list of persons entitled to vote under section 7 of the Regulation.

(2) If the municipality has been divided for electoral purposes into divisions, such list shall show the persons entitled to vote in each division separately.

4. (1) A copy of the list so prepared shall be published by affixing a copy thereof :—

(*a*) in Kannada, and

(*b*) if the Returning Officer so directs, in English also, at the municipal office, in the taluk office, if any, within municipal limits, and in such other conspicuous places in the municipality as the said officer may consider suitable.

(2) When the list has been so published, the Returning Officer shall, by beat of tom tom and printed hand-bills, give public notice thereof, and of the places where the list or a copy thereof may be inspected as also of the fact that any person entitled under rule 7 to prefer an objection or claim, may apply in writing to the Returning Officer for the amendment of the list.

(3) A copy of the hand-bill shall also be published both in Kannada and English in the *Mysore Gazette* and copies thereof shall be affixed in the municipal office and in the office of the Amildar or the Deputy Amildar of the taluk within which the municipality is situated.

5. Each voter shall be entitled to vote in the division in which he resides.

6. No person shall vote in more than one division.

Revision of list.

7. (1) Any person whose name is not entered in the list of voters published as aforesaid and who deems that he is entitled to have his name entered therein and any person whose name is entered in the said list, who thinks that his own name or that of some other person has been wrongly entered therein, may apply in writing within a week from the date of publication of the list to the Returning Officer for the amendment thereof.

(2) The Returning Officer shall hear and decide any objection to the claims and objections received under sub-rule 1. The decision of the Returning Officer on the claims and objections put forward shall be final and the Returning Officer shall keep a record of his decision with brief reasons therefor and communicate the substance of his decision to the parties concerned and the municipal council.

(3) Any additions to, or omissions from or corrections in the list which the Returning Officer discovers to be necessary, otherwise than on the application of any person interested therein, shall also be made by him.

Publication and custody of list of voters.

8. (1) The list of voters shall be amended in accordance with the decision of the Returning Officer and a copy thereof signed by the Returning Officer shall be kept in safe custody in the municipal office.

(2) A copy of the list as amended shall be published in the manner prescribed in rule 4 within a fortnight from the date of first publication of the list of voters, under rule 4 (1) *supra*.

Publication of date, place, etc., of election.

9. At least one month before the date fixed for election, the Returning Officer shall publish, in the manner prescribed in rule 4, a notice containing the following particulars:—

(1) the date, place and hour of election; and

(2) the latest date for the receipt of applications for candidature.

Intimation of Candidature.

10. Every person who wishes to stand for election in any division shall, within three days of the publication

of the amended list under rule 8 (2), signify his intention by applying in writing to the Returning Officer in Form A hereto appended.

Preparation and publication of list of eligible candidates, etc.

11. The Returning Officer shall, at 5 P.M. on the last day fixed for receiving applications for candidature, read out the names of all the candidates whose applications have been received and a list of such candidates shall forthwith be posted up under his signature in the municipal office with a notice that objections, if any, to the candidature of the persons specified in the list will be heard and disposed of by him at 3 P.M., on the third working day after the date of the publication of the aforesaid notice. He shall hear objections, if any, and after such summary enquiry as he may deem necessary regarding such objections, he shall prepare a list of such persons as are considered by him to be eligible under the foregoing rules to stand for election and announce their names. If any name is rejected, the reason for such rejection shall be recorded.

(2) When the number of eligible candidates is more than the number of members to be elected, the Returning Officer may assign to each candidate a symbol out of those approved from time to time by the Government in this behalf.

(3) A list of eligible candidates with the symbols, if any, assigned under sub-rule (2) shall be published with the least practicable delay under the signature of the Returning Officer in the municipal office.

(4) On the day of election, the list of candidates and the symbols assigned for them shall be displayed prominently at each polling station for the information of the voters.

Conduct of Elections.

12. When the number of candidates does not exceed the number of vacancies, the candidate or candidates may be declared by the Returning Officer elected without any votes being recorded. For purposes of rule 27 of these rules such candidates shall be considered to have got the highest number of votes.

13. If there are more candidates than there are vacancies, votes shall be taken in accordance with the procedure prescribed in the following rules.

14. The Returning Officer shall fix a polling station for each division and at each polling booth a separate ballot box properly screened off from others shall be kept so that purdah women may vote separately.

15. The Returning Officer shall appoint one or more polling officers to preside at each polling station with as many assistants as he thinks necessary. The said officer shall also appoint one or more identifying officers at each polling station to assist the polling officer in identifying the voters.

16. (1) On the morning of the election day, the polling officer shall be supplied with a sealed box provided with an aperture for receipt of voting papers, a list of voters and a bound book or books of voting papers serially numbered in foil and counterfoil, one voting paper for each voter in the list of voters.

(2) The Returning Officer may give such special directions as may be necessary for the provision of ballot boxes, cubicles or screens, and other matters of detail.

17. (1) The voting paper shall be printed in Form B hereto appended and shall contain the names of all the candidates.

(2) If, before the poll has commenced, a person whose candidature has been published under rule 11 withdraws his candidature or dies, or if the Returning Officer is satisfied after affording opportunity to hear the candidate that he is disqualified to be a candidate or that the declaration made in his application is not true, the Returning Officer shall remove his name from the voting paper.

18. Specimen voting papers shall be posted outside the polling booths for the guidance of voters at least 48 hours before the election commences.

19. (1) On the day of the election, the polling officer shall admit to the ante-room of the polling booth the candidates whose names are displayed under rule 11(4).

(2) Beside candidates, only voters and such persons (if any) as may be admissible under special directions given by the Returning Officer in this behalf, shall be admitted to the polling booth.

20. The candidates shall not speak to or address any intending voter in the ante-room, but may only address to the polling officer objections to a voter on the following three grounds :—

First.—That his name is not on the list of voters of the division in respect of which the election is being held.

Second.—That his claim to be a particular voter shown on the list of voters is false.

Third.—That he has already voted.

Any person breaking this rule may be expelled from the ante-room by the polling officer and shall not be re-admitted during the election.

21. The procedure for recording each voter's vote shall be as follows :—

(*i*) The vote shall be given by ballot.

(*ii*) Every voter may vote for as many candidates as there are councillors to be elected for the division.

(*iii*) There shall be no voting by proxy.

(*iv*) As each intending voter enters the ante-room, his name and his number in the voter's list shall be announced so that all present can hear them.

(*v*) The polling officer shall dispose of any objections raised by candidates and, when satisfied that the intending voter is entitled to vote and has not yet voted, shall initial the foil of a voting paper and, after taking the voter's signature or mark on the counterfoil and endorsing the paper across the junction of foil and counterfoil with a seal, give the foil to the voter and admit him to the polling room.

(*vi*) The voter, after making a cross in column 4 of the voting paper against the names of any candidates for whom he wishes to vote, folding and after closing the voting paper put it into the ballot box.

(*vii*) If a voter through blindness, illiteracy or any other cause is incapable of recording his vote for himself, the polling officer shall assist him, if so desired, in marking the vote on the voting paper and putting the voting papers into the ballot box and a record of the same shall be made on the voting paper and attested by the polling officer.

22. It shall be the duty of the polling officers and their assistants to see that votes are recorded with absolute secrecy, that only such persons as may be admitted to the polling booth under these rules are admitted thereto, and that persons who have recorded their votes or against whom objections have been heard and disposed of leave immediately. It shall also be their duty to see that these rules and any special directions given by the Returning Officer thereunder are strictly observed in all respects.

23. On the conclusion of the poll, the polling officer shall seal up the aperture of the sealed box and forthwith

deliver the box for safe custody to the Returning Officer or some one appointed by the said officer to take charge of it seal till the votes are counted. The polling officer shall seal up the book of counterfoils and unused foils and keep it sealed in his own custody till it is destroyed under rule 30.

Determination of results of elections.

24. The ballot box shall be opened and the votes counted at a special general meeting of the municipal council by three scrutineers appointed for this purpose at the meeting.

In the case of a new municipality, the box shall be opened in the presence of the Returning Officer by three scrutineers appointed by the Deputy Commissioner.

25. Any ballot paper on which votes are given to more candidates than there are councillors to be elected shall be invalid.

26. If there is an equal number of valid votes in favour of each of two or more candidates for one vacancy, the selection of one such candidate shall be made by lot by the chairman of the aforesaid meeting, in such manner as the municipal council at such meeting shall determine or by the Returning Officer in the case of a new municipality.

27. Whenever one and the same person gets the highest number of votes in more than one division, he will be at liberty to determine for which division he should be returned and in default of his doing so within 48 hours after the declaration of the result of election, the Deputy Commissioner shall declare him to have been elected for one such division. In such cases, the candidates who have got the next highest number of votes in the several remaining divisions will be taken to have been elected for those divisions. In the event of there being no such candidate in any such division, a fresh election shall be held for the same.

28. The result of the election shall be declared by the chairman of the meeting or the Returning Officer, as the case may be, and shall be recorded in the minutes of the proceedings of the meeting.

Custody and destruction of voting papers.

29. When the voting papers have been scrutinised, they shall forthwith be replaced in the ballot boxes from

which they were taken and these boxes after being locked and sealed with the municipal seal or in the case of a new municipality with the seal of the Returning Officer, shall be kept by the President of the municipal council or in the case of a new municipality, by such officer as may be appointed by the Deputy Commissioner for this purpose in safe custody.

30. On the expiry of fifteen days from the date of the declaration of the result of the election, or if any application regarding the election is made to the Munsiff under section 11 of the Regulation and such application is not finally disposed of before the expiry of the said fifteen days, then whenever such application has been finally disposed of, the voting papers including both those in the ballot box and those in the sealed book in the polling officer's custody shall be destroyed in the presence of such councillor or officer as the municipal council appoints for this purpose.

Report of results of elections.

31. The names of persons declared to have been elected under rules 12 and 28 shall be communicated with the least practicable delay to the Deputy Commissioner who shall notify the same in the *Mysore Gazette* along with the names of the nominated Councillors.

32. *Power of Deputy Commissioner to alter dates.*— The Deputy Commissioner may, for sufficient reasons, enlarge the periods or alter the dates fixed for the several stages of election in the case of any municipality under the foregoing rules.

By Order,
H. V. RAMASVAMI,
General Secretary to Government.

FORM A.

(REFERRED TO IN RULE 10).

Application for candidature.

Name of division for which the candidate intends to stand for election.	
Name of candidate	
Father's name	
Age	
Address	
Number of the candidate in the Voters' list.	

Date..... Signature of candidate.

Declaration by the candidate.

I hereby declare that the information furnished above is true and that I possess all the qualifications necessary for election to the municipal council and that I am not subject to any of the disqualifications specified in the Mysore Minor Municipalities Regulation, 1933, or the rules thereunder to be a candidate.

Date..... Signature of candidate.

FORM B.

(REFERRED TO IN RULE 17.)

Counterfoil.

Voting Paper No.

Voter's number on the Voters' List.

Voter's signature or thumb impression.

Foil.

Voting paper No.

Serial No.	Candidate's name	Candidate's symbol	Voter's mark
1			
2			
3			
4			
5			
6			
7			
8			

(1) The number of members to be elected is.....

(2) Place a cross mark thus × against the candidate for whom you wish to vote.

each of the candidates

(3) The mark should be placed against not more than..... name. names.

Regd. No. M.–1175.

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BANGALORE, THURSDAY, SEPTEMBER 7, 1933.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. L. 1536—Ml. 111-33-I, dated Bangalore, 30th August 1933.

Under Sections 9 and 10 of the Mysore Town Municipalities Regulation, 1933, and the rules framed thereunder, Government are pleased to direct that, subject to any modification which Government may make hereafter, the strength of a Town Municipal Council in the State shall, with effect from the date of its reconstitution, consist of 20 Councillors, of whom fifteen shall be elected and five nominated inclusive of the following *ex-officio* members :—

(1) The Senior Medical Officer in charge of the Medical Institution situated within the Municipality, and

(2) The Senior Officer of the Public Works Department in the Taluk.

2. Any person, official or otherwise, who, if not already a Councillor, is appointed as President, under clauses (*a*), (*b*) or (*d*) of Section 23 (2) of the said Regulation, shall be an additional Councillor under the proviso to Section (9) (2) of the said Regulation.

No. L. 1597—Ml. 113-33-1, Dated, Bangalore, 2nd September 1933.

In exercise of the powers vested under the provisions of section 106 (2) (k) and (l) of the Mysore Minor Municipalities Regulation, 1933, and all other powers in this behalf, the following rules for regulating the construction of buildings in minor municipalities are made by the Government :—

1. Every person who shall erect any building or alter or add to any existing building or reconstruct any building shall apply in writing to the President for a license.

2. The application shall be accompanied by a site plan of the land on which the structure is proposed to be built and shall show the size of the proposed building and its position on the land, together with its position with reference to the adjoining sites or buildings or private or public roads and lanes.

3. No foundation of a new building intended for human occupation shall be constructed on a site which has been filled up with or used as a place for depositing excrementitious matter or the carcasses of dead animals or other filthy or offensive matter until such matter shal have been properly removed to the satisfaction of the President or shall, in his opinion, have become innocuous.

4. No pits shall be excavated in the sites allotted or used for building dwelling houses.

5. No building site shall be surrounded by a hedge of lantana, aloe, prickly-pear or other objectionable plant or by a fence of barbed wire.

6. The eaves of buildings, sun-shades of windows and water spouts to drain roof water shall not project beyond the side street drain adjoining the houses and the spouts shall be led down to the ground.

7. No sun-shade for shops either temporary or permanent shall be erected beyond the outer edge of the side drain of the road.

8. Every house shall have a decent frontage and no perishable or inflammable materials shall be used for construction.

9. Houses shall be built so as to leave sufficient open space for ventilation all round the building, and suitable provision shall also be made for adequate lighting and ventilation of every room or apartment thereof.

10. The minimum height of every room intended to be inhabited in a building except a room in the first or higher floors thereof shall not be less than eight feet from the floor to the ceiling.

11. No shops or market place, manufactory or place of public resort shall be built in the midst of the localities intended for residential purposes. For the purpose of this rule it shall be competent to the President of the municipal council to determine what is the residential area and what is not.

12. No person shall construct over a privy, whether new or old, any room or structure of any description except another privy or a bathing place or bath room.

13. The time limit for the license granted under these rules shall be one year.

14. Every person who shall commit a breach of any of the foregoing rules shall, on conviction before a Magistrate, be punishable with fine which may extend to twc hundred rupees.

By Order,

H. V. RAMASVAMI,

Secretary to Government,
General Department.

No. D. 1142—C. S. 105-31-32, dated 5th September 1933.

The Government of His Highness the Maharaja of Mysore are pleased to make the following amendments to the rules issued under Section 44 of the Mysore Co-operative Regulation VII of 1918 with notifications No. 326—E. C. 16-18-13, dated 9th July 1920 and No. 2795—E. C. 66-18-14, dated 11th September 1920:—

Insert the following as rule 10 (ii) and renumber (ii) as rule 10 (iii).

10. (ii) Every member of a society based on unlimited liability shall submit to such society at the time of his admission as well as at the close of each co-operative year, a statement of his assets and liabilities duly verified to be correct and true.

For rule 16, *substitute* the following :—

16. (i) Any dispute in respect of the business of a society between any person who is or has been a member of the society or claims through any one who is or has been such a member and such society or its committee or any of its officers shall be submitted in the form, if any, prescribed by the Registrar and duly stamped in accordance with the rules, if any, made in this behalf to the Registrar for decision.

(ii) When the Registrar refers a dispute to arbitration, he may decide whether the arbitration shall be by one person or by more than one. If the arbitration is by one person, the arbitrator shall be appointed by the Registrar. If the arbitration is by more than one person, the Board of Arbitrators shall consist of three persons of whom one shall be appointed by the Registrar at the time of referring the dispute to arbitration, one by the society and one by the person or persons by or against whom the dispute is made. The nomination referred to above shall be made by the parties concerned within fifteen days after notice by the Registrar failing which the Registrar may himself make the nominations. The person appointed by the Registrar to the Board of Arbitrators shall be the Chairman of the Board.

16. (iii) In proceedings under this rule, the evidence of the parties and witnesses who attend shall be taken down in full, in writing, in English if the arbitrator or the Board of Arbitrators is so authorised by the Registrar, or in Kannada and shall be signed by the Registrar, Arbitrator or persons constituting the Board of Arbitrators and upon the evidence so recorded and upon consideration of any documentary evidence produced by either side, a decision, or award as the case may be, shall be given in accordance with justice, equity and good conscience and such decision shall be reduced to writing and signed by the Registrar, Arbitrator or persons constituting the Board of Arbitrators, as the case may be. If any party duly summoned to attened fails to appear, the dispute may be heard *ex-parte*. *Ex-parte* decisions or awards may, on sufficient and satisfactory cause for non-attendance being shown, be set aside by the Registrar and the dispute ordered to be disposed of on merits. But applications for setting aside the *ex-parte* decisions should be made within one month from the date of decision or award or

from the date of knowledge of such decision or award having been passed. Applications for setting aside *ex-parte* decisions or awards should be disposed of on hearing or on giving reasonable opportunity for being heard to both the parties to the dispute.

16. (iv) (*a*) In disputes settled by a Board of Arbitrators, the awards shall be in accordance with the decisions of the majority of the members of the Board where it is not unanimous.

(*b*) When an award has been made, the person or persons who made it should cause it to be filed in the Office of the Registrar together with any depositions and documents which have been taken and proved before them and notice of the filing shall be given to the parties.

16. (v) Where the decision or award involves the payment of money or delivery of grain and such payment is not made within one week or such further time as may be allowed by the Registrar, the Registrar shall send a copy of the decision or award to the Deputy Commissioner for its enforcement who shall thereupon enforce it as if it were a demand for arrears of land revenue. Provided that the Registrar may, on the application of the decree-holder, send such decree for execution to the civil court having jurisdiction over the subject matter of the decree or award, instead of sending it to the Deputy Commissioner as aforesaid whereupon, such court shall execute the decision or award as it were a decree passed by itself. Where the decision of award involves the payment of money and the person or persons against whom the decision or award is made are employed in the permanent or temporary service of the Government of His Highness the Maharaja of Mysore, the Registrar may send the decision or award to the Head of the Office or Department in which the person or persons are employed for enforcement and such officer shall execute it as if it were a decree of a civil court.

For Rule 17 (a), *substitute* the following:—

17. (a) The reserve fund of a society shall be indivisible and no member shall be entitled to claim a specified share therein. Any loss or portion of loss on account of bad debts written off during any year may, with the sanction of the Registrar, be debited to the reserve fund. Provided that (i) no loss be debited to the

reserve fund without the sanction of the general body and (ii) before any such loss is debited, the society shall obtain the consent of the financing Bank, if any, to which it is indebted.

Add the new rule 20 A:—

20A. Every Society accepting deposits from indi viduals and institutions shall provide for fluid resources in such manner and according to such standards as may, from time to time, be prescribed by the Government in consultation with the financing Banks. The Government may, however, empower the Registrar by general or special order to relax the standard prescribed for a particular society or for a particular class of societies for a specified period.

For Rule 25 (1) and (m), *substitute* the following :—

25 (1) The Registrar shall fix the amount of fee, if any, to be paid to the Liquidator.

25. (m) The Liquidator shall, once a month, submit to the Registrar a report showing the progress made in winding up the affairs of the society and shall, on completion of the liquidation proceedings, convene a general meeting of the members of the dissolved society at which the Liquidator shall summarise his proceedings, and report what sum, if any, remains in his possession after meeting all the liabilities of the society including the share capital and the dividend thereon as per clause (d) of rule 17 of these rules to enable the members of the dissolved society to decide as to what objects of local public utility the said sum may be applied. The Liquidator shall submit his final report to the Registrar with a copy of the proceedings of the general meeting referred to above and make over to the Registrar all books, registers and accounts, etc., belonging to the dissolved society and all books and accounts relating to such proceedings kept by him.

By Order,
S. ABDUL WAJID,
Secretary to Government,
Development Department.

Regd. No. M.—1175.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. L. 2150—Ml. 92-33-5, dated 18th September 1933.

In supersession of the rules in force on the subject and in exercise of the powers vested under the provisions of Sections 10, 11, and 228 (2) (*b*) of the Mysore City Municipalities Regulation, 1933, and all other powers in this behalf, the following rules for regulating the conduct of elections of members to Municipal Councils of City Municipalities are made by the Government :—

City Municipal Election Rules.

Definitions.

In these rules,

(1) "The Regulation" means the Mysore City Municipalities Regulation, 1933,

(2) "Returning Officer," means the Municipal Commissioner if there be one for the municipality, or the President of the municipal council concerned in other cases.

Divisions and elective councillors.

2. (1) The municipal council may, with the previous approval of Government, divide the municipality for electoral purposes into as many divisions or mohallas as may be necessary, the boundaries of which shall be clearly defined, and when such a division has been made, shall apportion the number of elected councillors over the said divisions in the proportion, as nearly as may be, of the population thereof.

(2) The Mysore Chamber of Commerce, Bangalore, and such other associations or public bodies as may be recognised by the Government for the purpose shall also be entitled to elect a member to the municipal council concerned in accordance with rules or bye-laws made in this behalf by such associations or public bodies.

(3) The municipal council may, with the previous approval of Government, alter from time to time the number of the divisions or mohallas in the municipality.

Preparation and publication of list of voters.

3. A list of voters showing the persons entitled to vote in each division shall be prepared by the Returning Officer not less than three months prior to the date on which the term of office of the municipal councillors will expire.

4. (1) A copy of the list so prepared shall be published by affixing a copy thereof—

(*a*) in Kannada, and

(*b*) if the Returning Officer so directs, in English also,

at the municipal office and in such other conspicuous places in the municipality as the said officer may consider suitable.

(2) When the list has been so published, the Returning Officer shall, by beat of *tom tom* and printed handbills, give public notice thereof, and of the places where the list or a copy thereof may be inspected as also of the fact that any person entitled under rule 8 (1) to prefer an objection or claim may apply in writing to the Returning Officer for the amendment of the list.

(3) A copy of the handbill shall also be published both in Kannada and English in the *Mysore Gazette* and copies thereof shall be affixed in the municipal office.

Qualifications of voters.

5. The following persons who have completed 21 years of age shall be qualified to have their names entered in the list of voters or in the election roll, *viz.*—

(A). Every person who, for the preceding year, was assessed to taxes other than octroi or toll, imposed in the municipality for a sum not less than Rs. 5 a year.

(B) Every person who, for a period of not less than six months next preceding the date on which by these rules a list of voters is required to be prepared or revised, has been resident of the municipality, and

(*a*) who was assessed in the previous year to income-tax, or

(*b*) who is a registered holder of lands assessed (or in the case of alienated lands, would be assessed if not alienated) to land revenue at an amount not less than Rs. 5 in the municipality, or

(*c*) who on the first day of July next preceding the date of publication of the election roll, occupied for the purpose of dwelling or for purposes of any trade, business or profession, a house or building, or part of a house or building, which is separately assessed to a tax of Rs. 5 a year, or

(*d*) who is in receipt of a pension of not less than Rs. 15 per mensem from Government or from any public body or corporation or company registered, or

(*e*) who is a graduate of any University, or

(*f*) who is an advocate of the High Court of Mysore, or

(*g*) who is a pleader holding a sannad from the High Court of Mysore, or

(*h*) who is a person upon whom titles have been conferred by the Government of India or by His Highness the Maharaja of Mysore, or

(*i*) who is a servant of the Government or of any public body or of any corporation or company registered under the Mysore Companies Regulation whose salary is not less than Rs. 50 per mensem.

Manner of voting in particular cases.

6. (1) When any qualification prescribed by clause (A) of rule 5 is possessed by an undivided family or a

company or firm or any other association or body of individuals or trustees, being two or more in number of any building or land, then the manager or the senior member of such family, or any one individual person, duly authorised in this behalf by the members of such family, or company or firm or association or body of individuals or trustees, upon an application in writing which he shall give, within a fortnight from the date of the publication of the list of voters, to the Returning Officer shall be qualified to have his name entered in the list of voters on behalf of such family or company or firm or association or body of individuals or trustees.

(2) If no individual person applies in accordance with sub-rule (1) to have his name entered in the list as the representative of such undivided family or any company or firm or association or body of individuals or trustees, the municipal council may determine which individual person shall be entitled to represent such family or company or firm or association or body of individuals or trustees and shall enter his name in the list as the person qualified to vote on behalf thereof.

(3) If any person is entitled to vote not only in his individual capacity, but also as a representative of such family or company or firm or association or body of individuals or trustees, his name shall be entered in the said list as if he were entitled to vote separately in each of such capacities.

(4) Except in the case mentioned in sub-rule (3), no person shall be entitled to more than one vote by reason of being qualified under two or more of the tests of qualifications prescribed by rule 5.

Division in which vote may be given.

7. Each voter shall be entitled to vote in the division in which he resides, or, in the case of a qualification arising from being assessed to municipal taxes, in the division in which he is assessed.

Provided that—

(*a*) no person shall be entitled to vote in more than one division ;

(*b*) any person possessing the qualifications of a voter in connection with more than one division shall be at liberty to choose for which of such divisions he shall be entitled to vote and,

failing his doing so within a week after public notice has been given calling upon all such persons to make their choice, shall be entitled to vote in such division as the municipal council shall determine;

(c) a person shall be entitled to vote only in a division for which his name is entered in the election roll.

Revision of list and appeals.

8. (1) Any person whose name is not entered in the list of voters published as aforesaid and who deems that he is entitled to have his name entered therein, and any person whose name is entered in the said list who thinks that his own name or that of some other person has been wrongly entered therein, may apply in writing within a fortnight from the date of publication of the list to the Returning Officer for the amendment thereof.

(2) The Returning Officer shall forthwith forward every such application, with his report thereon, for the decision of the municipal council.

(3) The said officer may also bring to the notice of the municipal council within a fortnight from the date of the publication of the list, any additions to, or omissions from, or corrections in the list, which he shall discover to be necessary otherwise than on the application of any person interested therein.

(4) Notice of every application under sub-rule (1) and of every reference under sub-rule (3) shall be given by the municipal council receiving the same to any person affected thereby, and the municipal council at its next meeting shall consider and pass orders on such application or reference. A copy of every order so passed upon an application shall, without delay, be communicated to the person by whom the application was made and a copy of every order, whether upon an application or reference, shall, without delay, be communicated to any person whose name is thereby ordered to be removed from the list of voters.

(5) An appeal shall lie to the Government from the decision of a municipal council, but the Government may decline to entertain any appeal which is not presented within ten days from the date when the decision of the municipal council is communicated to the appellant.

Every order passed by the Government under this rule shall be final.

Publication and custody of election roll.

9. (1) The list of voters shall be amended in accordance with the decision of the municipal council or the Government, as the case may be, and a copy thereof signed by the Returning Officer shall be the municipal election roll.

(2) The municipal election roll shall be published in the manner prescribed in rule 4 within a month and a half from the date of publication of the list of voters.

(3) Every such election roll shall be entered in a book each page of which shall be signed by the officer aforesaid and sealed with the common seal of the municipal council. The said book shall be kept in the municipal chest or safe under lock and key, and the officer whose duty it is to keep the key of the said chest or safe shall be responsible for the safe custody of the said book.

Amendment of election roll.

10. The municipal council shall be "the prescribed authority" for exercising the powers under clauses (*b*) and (*c*) of section 11 of the Regulation.

Qualifications of candidates.

11. Subject to the provisions of section 11 and to the disqualifications mentioned in section 12 and subsections (3) and (6) of section 20 of the Regulation, every person who is qualified to be a voter under rule 5 shall be qualified to be a candidate.

(2) Any person who is qualified to be a candidate may stand for election either in the division for which his name is entered in the election roll or in any other division.

Time and place for elections.

12. All municipal elections—whether general or casual—shall be held on such dates between such hours and at such place or places as may be fixed by the Returning Officer. Written notice of such elections shall be given and published both in Kannada and English not less than one month before the date fixed for election. Copies of the notice shall be affixed at the municipal office and at

such other conspicuous place or places within the municipality as the municipal council appoints for this purpose.

Applications from candidates.

13. Every person who wishes to stand for election in any division shall, before fifteen days fixed for the date of election, signify his intention by applying in writing to the Returning Officer in the Form A hereto appended.

Deposit by candidates.

14. (1) Every candidate shall deposit or cause to be deposited in a Government Treasury a sum of one hundred rupees in cash and forward the treasury receipt along with his application for candidature, and no application shall be valid unless accompanied by such receipt.

Savings Bank deposits or State Loan bonds of equal value at the market rate of the day, shall, if tendered, be accepted from candidates standing for election in lieu of cash deposit. Provided that Form No. 1 of Annexure E of the Savings Bank Rules (printed as Appendix) is signed by them authorising the Returning Officer to treat the same as deposit in the former case, and the bonds are endorsed in favour of the Comptroller in the case of the latter.

(2) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer before the poll has commenced. A candidate who has withdrawn his candidature shall not be allowed to cancel such withdrawal.

(3) If a candidate by whom or on whose behalf the deposit referred to under sub-rule (1) has been made, withdraws his candidature in the manner specified under sub-rule (2) *and before 3 p.m. of the next working day after the latest date on which applications for candidature have to be presented*, or if his name is rejected by the Returning Officer, the deposit shall be returned to the person by whom it was made, and, if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made or to the legal representative of such person.

(4) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made, is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled *or if a candidate withdraws his candidature after the time specified in sub-rule 3*, the deposit shall be forfeited and credited to the municipal fund.

Explanation.—For the purpose of this sub-rule, the total number of votes polled shall be deemed to be the total number of voting papers, other than spoilt voting papers collected.

(5) The deposit made in respect of a candidate who is not elected, if it is not forfeited under sub-rule (4), and the deposit made in respect of a candidate who is elected, shall be returned to the candidate or to the person who has made the deposit on his behalf or to his legal representative, as the case may be, as soon as may be after the publication of the result of the election in the *Mysore Gazette*, provided that if a candidate has stood for election in more than two divisions, not more than two of the deposits made by him or on his behalf shall be returned in any case and the remainder shall be forfeited to the municipal fund.

Preparation and publication of list of eligible candidates, etc.

15. (1) The Returning Officer shall, at 5 P.M. on the last day fixed for receiving applications for candidature, read out the names of all the candidates whose applications have been received and a list of such candidates shall forthwith be posted up under his signature in the municipal office with a notice that objections, if any, to the candidature of the person specified in the list will be heard and disposed of by him at 3 P.M. on the third working day after the date of the publication of the aforesaid notice. He shall hear objections, if any, and after such summary enquiry as he may deem necessary regarding such objections, he shall prepare a list of such persons as are considered by him to be eligible under the foregoing rules to stand for election and announce their names. If any name is rejected, the reason for such rejection shall be recorded. A list of such candidates shall be posted up with the symbols, if any, assigned under sub-rule (2) under his signature in the municipal office.

Regd. No. M.—1175.

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BANGALORE, THURSDAY, NOVEMBER 2, 1933.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. L. 2747--Ml. 109-33-2, dated Bangalore, 30th—31st October 1933.

The Government of His Highness the Maharaja of Mysore are pleased to notify that the Town Municipal Council of Davangere is hereby empowered to exercise the powers under Section 102 of the Mysore Town Municipalities Regulation, VIII of 1933.

By Order,

H. V. RAMASVAMI,

Secretary to Government,
General Department.

Regd. No. M.—1175

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. L. 3189—Ml. 113-33-3, Dated Bangalore, 6—7th November 1933.

In exercise of the powers conferred by Section 106(2) of the Mysore Minor Municipalities Regulation, 1933, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules for regulating conservancy and sanitation and prohibiting public nuisances in Minor Municipalities in the State :—

(1) No dust, dung, dirt, ashes, garden, kitchen or stable refuse or filth of any kind or any animal matter or any broken glass or earthenware or rubbish or any other thing, that is or that may be a nuisance shall be deposited in any street or drain except in Municipal dust bins where provided or on private lands for short periods not exceeding four days.

(2) Tiles, garden sweepings, branches of trees, thatched grass and night soil shall not be deposited in public streets or drains.

(3) Sullage and urine, etc., shall not be discharged into public roadside gutters, streets or open spaces without the special permission of the President.

(4) Any person who shall be guilty of a breach of any of the above rules shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 20.

(5) No person shall use a public street or lane or open space for the making of cow dung cakes, on the external walls of houses or yards or compound walls and any one infringing this rule shall, on conviction before a Magistrate, be liable to a penalty not exceeding Rs. 10.

(6) Any person easing himself or allowing any member of his family to ease either in or in the vicinity of any public street, lane and drain or in or outside any part of any public latrine other than in the trench made therein for the purpose shall be liable, on conviction before a Magistrate, to a penalty not exceeding half a rupee for the first offence, one rupee for the second and Rs. two for each succeeding offence.

(7) Persons afflicted with loathsome or infectious diseases are prohibited from vending for sale any articles of food or drink in the Municipal area and any one infringing this rule will render himself liable, on conviction before a Magistrate, to a fine not exceeding Re. 1 for the first offence, and a like sum for each succeeding offence.

(8) The practice of feeding milch kine and cattle intended for slaughter on stable litter and other refuse is strictly prohibited and any person residing within Municipal limits who may transgress this rule will, on conviction before a Magistrate, subject himself to a fine of Rs. 10 for the first and Rs. 20 for each succeeding offence.

(9) All persons holding houses or lands within Municipal limits shall destroy lantana, prickly pear or other rank vegetation, where it at present exists. The growth of lantana, prickly pear and milk-hedge in the vicinity of houses for the purpose of hedge is prohibited, and if, in special cases, lantana and milk-hedge are permitted to be used as such, they shall always be kept trimmed and shall not exceed the height of 4 feet from the ground. Any infringement of this rule will render the offender liable, on conviction before a Magistrate, to a fine not exceeding Rs. 20.

(10) All persons owning houses or lands within the Municipal limits are required to keep all drains and water channels in and about their premises free from obstruction and to remove all evident mosquito breeding places. All persons who, after a due notice has been given by the President, fail to comply with the provisions of this rule shall, on conviction before a Magistrate, subject themselves to a penalty not exceeding Rs. 20.

(11) The owner or care-taker of any cattle or animal shall not keep or allow them to be kept in or upon any building in such a way as to cause or suffer them to be tethered or strayed about by any member of his family or household in any public street or place so as to be a nuisance. Any infringement of this rule will render the offender liable, on conviction before a Magistrate, to a fine not exceeding Rs. 10 for each offence and also for subsequent repetition.

By Order,

H. V. RAMASVAMI,
Secretary to Government,
General Department.